

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
11.18.20

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LLS NO. 21-0199.01 Brita Darling x2241

COMMITTEE BILL

Colorado Commission on Uniform State Laws

BILL TOPIC: "Uniform Parentage Act (2017)"

A BILL FOR AN ACT

101 **CONCERNING THE "UNIFORM PARENTAGE ACT (2017)".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. The bill repeals the "Uniform Parentage Act", article 4 of title 19, C.R.S., and enacts the "Uniform Parentage Act (2017)" (new uniform act). The new uniform act:

- Clarifies establishment of the parent-child relationship, including the voluntary acknowledgment of parentage and the rules for acknowledgment or denial of parentage;
- Establishes a registry of parentage;

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- Establishes procedures for genetic testing;
- Specifies rules for proceedings to adjudicate parentage;
- Makes provisions for assisted reproduction;
- Creates requirements for surrogacy agreements; and
- Specifies use of information about donors.

The bill makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 4.1 to title
3 19 as follows:

4 **ARTICLE 4.1**

5 **Uniform Parentage Act (2017)**

6 **PART 1**

7 **GENERAL PROVISIONS**

8 **19-4.1-101. Short title.** THIS ARTICLE 4.1 MAY BE CITED AS THE
9 "UNIFORM PARENTAGE ACT (2017)".

10 **19-4.1-102. Definitions.** IN THIS ARTICLE 4.1: <{*Depending upon*
11 *which Parts move forward, the relevant definitions will need to be*
12 *moved out of article 4.1 to the definition section for title 19, section 19-*
13 *1-103.*>

14 (1) "ACKNOWLEDGED PARENT" MEANS AN INDIVIDUAL WHO HAS
15 ESTABLISHED A PARENT-CHILD RELATIONSHIP UNDER PART 2 OF THIS
16 ARTICLE 4.1.

17 (2) "ADJUDICATED PARENT" MEANS AN INDIVIDUAL WHO HAS BEEN
18 ADJUDICATED TO BE A PARENT OF A CHILD BY A COURT WITH JURISDICTION.

19 (3) "ALLEGED GENETIC PARENT" MEANS AN INDIVIDUAL WHO IS
20 ALLEGED TO BE, OR ALLEGES THAT THE INDIVIDUAL IS, A GENETIC PARENT
21 OR POSSIBLE GENETIC PARENT OF A CHILD WHOSE PARENTAGE HAS NOT
22 BEEN ADJUDICATED. THE TERM INCLUDES AN ALLEGED GENETIC FATHER

1 AND ALLEGED GENETIC MOTHER. THE TERM DOES NOT INCLUDE:

2 (a) A PRESUMED PARENT;

3 (b) AN INDIVIDUAL WHOSE PARENTAL RIGHTS HAVE BEEN
4 TERMINATED OR DECLARED NOT TO EXIST; OR

5 (c) A DONOR.

6 (4) "ASSISTED REPRODUCTION" MEANS A METHOD OF CAUSING
7 PREGNANCY OTHER THAN SEXUAL INTERCOURSE. THE TERM INCLUDES:

8 (a) INTRAUTERINE OR INTRACERVICAL INSEMINATION;

9 (b) DONATION OF GAMETES;

10 (c) DONATION OF EMBRYOS;

11 (d) IN VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND

12 (e) INTRACYTOPLASMIC SPERM INJECTION.

13 (5) "BIRTH" INCLUDES STILLBIRTH.

14 (6) "CHILD" MEANS AN INDIVIDUAL OF ANY AGE WHOSE
15 PARENTAGE MAY BE DETERMINED UNDER THIS ARTICLE 4.1.

16 (7) "CHILD SUPPORT AGENCY" MEANS A GOVERNMENT ENTITY,
17 PUBLIC OFFICIAL, OR PRIVATE AGENCY AUTHORIZED TO PROVIDE
18 PARENTAGE-ESTABLISHMENT SERVICES UNDER TITLE IV-D OF THE
19 "SOCIAL SECURITY ACT", 42 U.S.C. SECS. 651 TO 669, AS AMENDED.

20 (8) "DETERMINATION OF PARENTAGE" MEANS ESTABLISHMENT OF
21 A PARENT-CHILD RELATIONSHIP BY A JUDICIAL OR ADMINISTRATIVE
22 PROCEEDING OR SIGNING OF A VALID ACKNOWLEDGMENT OF PARENTAGE
23 UNDER PART 3 OF THIS ARTICLE 4.1.

24 (9) "DONOR" MEANS AN INDIVIDUAL WHO PROVIDES GAMETES
25 INTENDED FOR USE IN ASSISTED REPRODUCTION, WHETHER OR NOT FOR
26 CONSIDERATION. THE TERM DOES NOT INCLUDE:

27 (a) A WOMAN WHO GIVES BIRTH TO A CHILD CONCEIVED BY

1 ASSISTED REPRODUCTION, EXCEPT AS OTHERWISE PROVIDED IN PART 8 OF
2 THIS ARTICLE 4.1; OR

3 (b) A PARENT UNDER PART 7 OF THIS ARTICLE 4.1 OR AN INTENDED
4 PARENT UNDER PART 8 OF THIS ARTICLE 4.1.

5 (10) "GAMETE" MEANS SPERM, EGG, OR ANY PART OF A SPERM OR
6 EGG.

7 (11) "GENETIC TESTING" MEANS AN ANALYSIS OF GENETIC
8 MARKERS TO IDENTIFY OR EXCLUDE A GENETIC RELATIONSHIP.

9 (12) "INDIVIDUAL" MEANS A NATURAL PERSON OF ANY AGE.

10 (13) "INTENDED PARENT" MEANS AN INDIVIDUAL, MARRIED OR
11 UNMARRIED, WHO MANIFESTS AN INTENT TO BE LEGALLY BOUND AS A
12 PARENT OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION.

13 (14) "MAN" MEANS A MALE INDIVIDUAL OF ANY AGE.

14 (15) "PARENT" MEANS AN INDIVIDUAL WHO HAS ESTABLISHED A
15 PARENT-CHILD RELATIONSHIP UNDER SECTION 19-4.1-201.

16 (16) "PARENTAGE" OR "PARENT-CHILD RELATIONSHIP" MEANS THE
17 LEGAL RELATIONSHIP BETWEEN A CHILD AND A PARENT OF THE CHILD.

18 (17) "PRESUMED PARENT" MEANS AN INDIVIDUAL WHO UNDER
19 SECTION 19-4.1-204 IS PRESUMED TO BE A PARENT OF A CHILD, UNLESS THE
20 PRESUMPTION IS OVERCOME IN A JUDICIAL PROCEEDING, A VALID DENIAL
21 OF PARENTAGE IS MADE UNDER PART 3 OF THIS ARTICLE 4.1, OR A COURT
22 ADJUDICATES THE INDIVIDUAL TO BE A PARENT.

23 (18) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A
24 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER
25 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

26 (19) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
27 ADOPT A RECORD:

1 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

2 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN
3 ELECTRONIC SYMBOL, SOUND, OR PROCESS.

4 (20) "SIGNATORY" MEANS AN INDIVIDUAL WHO SIGNS A RECORD.

5 (21) "STATE" MEANS A STATE OF THE UNITED STATES, THE
6 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
7 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION UNDER THE
8 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY
9 RECOGNIZED INDIAN TRIBE.

10 (22) "TRANSFER" MEANS A PROCEDURE FOR ASSISTED
11 REPRODUCTION BY WHICH AN EMBRYO OR SPERM IS PLACED IN THE BODY
12 OF THE WOMAN WHO WILL GIVE BIRTH TO THE CHILD.

13 (23) "WITNESSED" MEANS THAT AT LEAST ONE INDIVIDUAL WHO
14 IS AUTHORIZED TO SIGN HAS SIGNED A RECORD TO VERIFY THAT THE
15 INDIVIDUAL PERSONALLY OBSERVED A SIGNATORY SIGN THE RECORD.

16 (24) "WOMAN" MEANS A FEMALE INDIVIDUAL OF ANY AGE.

17 **19-4.1-103. Scope.** (1) THIS ARTICLE 4.1 APPLIES TO AN
18 ADJUDICATION OR DETERMINATION OF PARENTAGE.

19 (2) THIS ARTICLE 4.1 DOES NOT CREATE, AFFECT, ENLARGE, OR
20 DIMINISH PARENTAL RIGHTS OR DUTIES UNDER LAW OF THIS STATE OTHER
21 THAN THIS ARTICLE 4.1.

22 **19-4.1-104. Authorized court.** THE JUVENILE COURT FOR THE
23 CITY AND COUNTY OF DENVER OR THE JUVENILE DIVISION OF THE DISTRICT
24 COURT OUTSIDE OF THE CITY AND COUNTY OF DENVER MAY ADJUDICATE
25 PARENTAGE UNDER THIS ARTICLE 4.1.

26 **19-4.1-105. Applicable law.** (1) THE COURT SHALL APPLY THE
27 LAW OF THIS STATE TO ADJUDICATE PARENTAGE. THE APPLICABLE LAW

1 DOES NOT DEPEND ON:

2 (a) THE PLACE OF BIRTH OF THE CHILD; OR

3 (b) THE PAST OR PRESENT RESIDENCE OF THE CHILD.

4 **19-4.1-106. Data privacy.** A PROCEEDING UNDER THIS ARTICLE
5 4.1 IS SUBJECT TO LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1 THAT
6 GOVERNS THE HEALTH, SAFETY, PRIVACY, AND LIBERTY OF A CHILD OR
7 OTHER INDIVIDUAL WHO COULD BE AFFECTED BY DISCLOSURE OF
8 INFORMATION THAT COULD IDENTIFY THE CHILD OR OTHER INDIVIDUAL,
9 INCLUDING ADDRESS, TELEPHONE NUMBER, DIGITAL CONTACT
10 INFORMATION, PLACE OF EMPLOYMENT, SOCIAL SECURITY NUMBER, AND
11 THE CHILD'S DAY CARE FACILITY OR SCHOOL.

12 **19-4.1-107. Establishment of maternity and paternity.** TO THE
13 EXTENT PRACTICABLE, A PROVISION OF THIS ARTICLE 4.1 APPLICABLE TO
14 A FATHER-CHILD RELATIONSHIP APPLIES TO A MOTHER-CHILD
15 RELATIONSHIP AND A PROVISION OF THIS ARTICLE 4.1 APPLICABLE TO A
16 MOTHER-CHILD RELATIONSHIP APPLIES TO A FATHER-CHILD RELATIONSHIP.

17 PART 2

18 PARENT-CHILD RELATIONSHIP

19 **19-4.1-201. Establishment of parent-child relationship.** (1) A
20 PARENT-CHILD RELATIONSHIP IS ESTABLISHED BETWEEN AN INDIVIDUAL
21 AND A CHILD IF:

22 (a) THE INDIVIDUAL GIVES BIRTH TO THE CHILD, EXCEPT AS
23 OTHERWISE PROVIDED IN PART 8 OF THIS ARTICLE 4.1;

24 (b) THERE IS A PRESUMPTION UNDER SECTION 19-4.1-204 OF THE
25 INDIVIDUAL'S PARENTAGE OF THE CHILD, UNLESS THE PRESUMPTION IS
26 OVERCOME IN A JUDICIAL PROCEEDING OR A VALID DENIAL OF PARENTAGE
27 IS MADE UNDER PART 3 OF THIS ARTICLE 4.1;

1 (c) THE INDIVIDUAL IS ADJUDICATED A PARENT OF THE CHILD
2 UNDER PART 6 OF THIS ARTICLE 4.1;

3 (d) THE INDIVIDUAL ADOPTS THE CHILD;

4 (e) THE INDIVIDUAL ACKNOWLEDGES PARENTAGE OF THE CHILD
5 UNDER PART 3 OF THIS ARTICLE 4.1, UNLESS THE ACKNOWLEDGMENT IS
6 RESCINDED UNDER SECTION 19-4.1-308 OR SUCCESSFULLY CHALLENGED
7 UNDER PART 3 OR 6 OF THIS ARTICLE 4.1; OR

8 (f) THE INDIVIDUAL'S PARENTAGE OF THE CHILD IS ESTABLISHED
9 UNDER PART 8 OF THIS ARTICLE 4.1.

10 **19-4.1-202. No discrimination based on marital status of**
11 **parent.** A PARENT-CHILD RELATIONSHIP EXTENDS EQUALLY TO EVERY
12 CHILD AND PARENT, REGARDLESS OF THE MARITAL STATUS OF THE PARENT.

13 **19-4.1-203. Consequences of establishing parentage.** UNLESS
14 PARENTAL RIGHTS ARE TERMINATED, A PARENT-CHILD RELATIONSHIP
15 ESTABLISHED UNDER THIS ARTICLE 4.1 APPLIES FOR ALL PURPOSES, EXCEPT
16 AS OTHERWISE PROVIDED BY LAW OF THIS STATE OTHER THAN THIS
17 ARTICLE 4.1.

18 **19-4.1-204. Presumption of parentage.** (1) AN INDIVIDUAL IS
19 PRESUMED TO BE A PARENT OF A CHILD IF:

20 (a) EXCEPT AS OTHERWISE PROVIDED UNDER PART 8 OF THIS
21 ARTICLE 4.1 OR THE LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1:

22 (I) THE INDIVIDUAL AND THE WOMAN WHO GAVE BIRTH TO THE
23 CHILD ARE MARRIED TO EACH OTHER AND THE CHILD IS BORN DURING THE
24 MARRIAGE, WHETHER THE MARRIAGE IS OR COULD BE DECLARED INVALID;

25 (II) THE INDIVIDUAL AND THE WOMAN WHO GAVE BIRTH TO THE
26 CHILD WERE MARRIED TO EACH OTHER AND THE CHILD IS BORN NOT LATER

1 THAN THREE HUNDRED DAYS AFTER THE MARRIAGE IS TERMINATED BY
2 DEATH, DISSOLUTION, ANNULMENT, OR DECLARATION OF INVALIDITY, OR
3 AFTER A DECREE OF LEGAL SEPARATION OR SEPARATE MAINTENANCE,
4 WHETHER THE MARRIAGE IS OR COULD BE DECLARED INVALID; OR

5 (III) THE INDIVIDUAL AND THE WOMAN WHO GAVE BIRTH TO THE
6 CHILD MARRIED EACH OTHER AFTER THE BIRTH OF THE CHILD, WHETHER
7 THE MARRIAGE IS OR COULD BE DECLARED INVALID, THE INDIVIDUAL AT
8 ANY TIME ASSERTED PARENTAGE OF THE CHILD, AND:

9 (A) THE ASSERTION IS IN A RECORD FILED WITH THE STATE
10 REGISTRAR; OR

11 (B) THE INDIVIDUAL AGREED TO BE AND IS NAMED AS A PARENT OF
12 THE CHILD ON THE BIRTH CERTIFICATE OF THE CHILD; OR

13 (b) THE INDIVIDUAL RESIDED IN THE SAME HOUSEHOLD WITH THE
14 CHILD FOR THE FIRST TWO YEARS OF THE LIFE OF THE CHILD, INCLUDING
15 ANY PERIOD OF TEMPORARY ABSENCE, AND OPENLY HELD OUT THE CHILD
16 AS THE INDIVIDUAL'S CHILD.

17 (2) A PRESUMPTION OF PARENTAGE UNDER THIS SECTION MAY BE
18 OVERCOME, AND COMPETING CLAIMS TO PARENTAGE MAY BE RESOLVED,
19 ONLY BY AN ADJUDICATION UNDER PART 6 OF THIS ARTICLE 4.1 OR A VALID
20 DENIAL OF PARENTAGE UNDER PART 3 OF THIS ARTICLE 4.1.

21 PART 3
22 VOLUNTARY ACKNOWLEDGMENT
23 OF PARENTAGE

24 **19-4.1-301. Acknowledgment of parentage.** A WOMAN WHO
25 GAVE BIRTH TO A CHILD AND AN ALLEGED GENETIC FATHER OF THE CHILD,
26 INTENDED PARENT UNDER PART 7 OF THIS ARTICLE 4.1, OR PRESUMED
27 PARENT MAY SIGN AN ACKNOWLEDGMENT OF PARENTAGE TO ESTABLISH

1 THE PARENTAGE OF THE CHILD.

2 **19-4.1-302. Execution of acknowledgment of parentage.** (1) AN
3 ACKNOWLEDGMENT OF PARENTAGE UNDER SECTION 19-4.1-301 MUST:

4 (a) BE IN A RECORD SIGNED BY THE WOMAN WHO GAVE BIRTH TO
5 THE CHILD AND BY THE INDIVIDUAL SEEKING TO ESTABLISH A
6 PARENT-CHILD RELATIONSHIP, AND THE SIGNATURES MUST BE ATTESTED
7 BY A NOTARIAL OFFICER OR WITNESSED;

8 (b) STATE THAT THE CHILD WHOSE PARENTAGE IS BEING
9 ACKNOWLEDGED:

10 (I) DOES NOT HAVE A PRESUMED PARENT OTHER THAN THE
11 INDIVIDUAL SEEKING TO ESTABLISH THE PARENT-CHILD RELATIONSHIP OR
12 HAS A PRESUMED PARENT WHOSE FULL NAME IS STATED; AND

13 (II) DOES NOT HAVE ANOTHER ACKNOWLEDGED PARENT,
14 ADJUDICATED PARENT, OR INDIVIDUAL WHO IS A PARENT OF THE CHILD
15 UNDER PART 7 OR 8 OF THIS ARTICLE 4.1 OTHER THAN THE WOMAN WHO
16 GAVE BIRTH TO THE CHILD; AND

17 (c) STATE THAT THE SIGNATORIES UNDERSTAND THAT THE
18 ACKNOWLEDGMENT IS THE EQUIVALENT OF AN ADJUDICATION OF
19 PARENTAGE OF THE CHILD AND THAT A CHALLENGE TO THE
20 ACKNOWLEDGMENT IS PERMITTED ONLY UNDER LIMITED CIRCUMSTANCES
21 AND IS BARRED TWO YEARS AFTER THE EFFECTIVE DATE OF THE
22 ACKNOWLEDGMENT.

23 (2) AN ACKNOWLEDGMENT OF PARENTAGE IS VOID IF, AT THE TIME
24 OF SIGNING:

25 (a) AN INDIVIDUAL OTHER THAN THE INDIVIDUAL SEEKING TO
26 ESTABLISH PARENTAGE IS A PRESUMED PARENT, UNLESS A DENIAL OF
27 PARENTAGE BY THE PRESUMED PARENT IN A SIGNED RECORD IS FILED WITH

1 THE STATE REGISTRAR; OR

2 (b) AN INDIVIDUAL, OTHER THAN THE WOMAN WHO GAVE BIRTH TO
3 THE CHILD OR THE INDIVIDUAL SEEKING TO ESTABLISH PARENTAGE, IS AN
4 ACKNOWLEDGED OR ADJUDICATED PARENT OR A PARENT UNDER PART 7 OR
5 8 OF THIS ARTICLE 4.1.

6 **19-4.1-303. Denial of parentage.** (1) A PRESUMED PARENT OR
7 ALLEGED GENETIC PARENT MAY SIGN A DENIAL OF PARENTAGE IN A
8 RECORD. THE DENIAL OF PARENTAGE IS VALID ONLY IF:

9 (a) AN ACKNOWLEDGMENT OF PARENTAGE BY ANOTHER
10 INDIVIDUAL IS FILED UNDER SECTION 19-4.1-305;

11 (b) THE SIGNATURE OF THE PRESUMED PARENT OR ALLEGED
12 GENETIC PARENT IS ATTESTED BY A NOTARIAL OFFICER OR WITNESSED;
13 AND

14 (c) THE PRESUMED PARENT OR ALLEGED GENETIC PARENT HAS NOT
15 PREVIOUSLY:

16 (I) COMPLETED A VALID ACKNOWLEDGMENT OF PARENTAGE,
17 UNLESS THE PREVIOUS ACKNOWLEDGMENT WAS RESCINDED UNDER
18 SECTION 19-4.1-308 OR CHALLENGED SUCCESSFULLY UNDER SECTION
19 19-4.1-309; OR

20 (II) BEEN ADJUDICATED TO BE A PARENT OF THE CHILD.

21 **19-4.1-304. Rules for acknowledgment or denial of parentage.**

22 (1) AN ACKNOWLEDGMENT OF PARENTAGE AND A DENIAL OF PARENTAGE
23 MAY BE CONTAINED IN A SINGLE DOCUMENT OR MAY BE IN COUNTERPARTS
24 AND MAY BE FILED WITH THE STATE REGISTRAR SEPARATELY OR
25 SIMULTANEOUSLY. IF FILING OF THE ACKNOWLEDGMENT AND DENIAL BOTH
26 ARE REQUIRED UNDER THIS ARTICLE 4.1, NEITHER IS EFFECTIVE UNTIL
27 BOTH ARE FILED.

1 (2) AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF
2 PARENTAGE MAY BE SIGNED BEFORE OR AFTER THE BIRTH OF THE CHILD.

3 (3) SUBJECT TO SUBSECTION (1) OF THIS SECTION, AN
4 ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE TAKES
5 EFFECT ON THE BIRTH OF THE CHILD OR FILING OF THE DOCUMENT WITH
6 THE STATE REGISTRAR, WHICHEVER OCCURS LATER.

7 (4) AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF
8 PARENTAGE SIGNED BY A MINOR IS VALID IF THE ACKNOWLEDGMENT
9 COMPLIES WITH THIS ARTICLE 4.1.

10 **19-4.1-305. Effect of acknowledgment or denial of parentage.**

11 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-308 AND
12 19-4.1-309, AN ACKNOWLEDGMENT OF PARENTAGE THAT COMPLIES WITH
13 THIS PART 3 AND IS FILED WITH THE STATE REGISTRAR IS EQUIVALENT TO
14 AN ADJUDICATION OF PARENTAGE OF THE CHILD AND CONFERS ON THE
15 ACKNOWLEDGED PARENT ALL RIGHTS AND DUTIES OF A PARENT.

16 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-308 AND
17 19-4.1-309, A DENIAL OF PARENTAGE BY A PRESUMED PARENT OR ALLEGED
18 GENETIC PARENT THAT COMPLIES WITH THIS PART 3 AND IS FILED WITH THE
19 STATE REGISTRAR WITH AN ACKNOWLEDGMENT OF PARENTAGE THAT
20 COMPLIES WITH THIS PART 3 IS EQUIVALENT TO AN ADJUDICATION OF THE
21 NONPARENTAGE OF THE PRESUMED PARENT OR ALLEGED GENETIC PARENT
22 AND DISCHARGES THE PRESUMED PARENT OR ALLEGED GENETIC PARENT
23 FROM ALL RIGHTS AND DUTIES OF A PARENT.

24 **19-4.1-306. No filing fee.** THE STATE REGISTRAR MAY NOT
25 CHARGE A FEE FOR FILING AN ACKNOWLEDGMENT OF PARENTAGE OR
26 DENIAL OF PARENTAGE.

27 **19-4.1-307. Ratification barred.** A COURT CONDUCTING A

1 JUDICIAL PROCEEDING OR AN ADMINISTRATIVE AGENCY CONDUCTING AN
2 ADMINISTRATIVE PROCEEDING IS NOT REQUIRED OR PERMITTED TO RATIFY
3 AN UNCHALLENGED ACKNOWLEDGMENT OF PARENTAGE.

4 **19-4.1-308. Procedure for rescission.** (1) A SIGNATORY MAY
5 RESCIND AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE
6 BY FILING WITH THE STATE REGISTRAR A RESCISSION IN A SIGNED RECORD
7 THAT IS ATTESTED BY A NOTARIAL OFFICER OR WITNESSED, BEFORE THE
8 EARLIER OF:

9 (a) SIXTY DAYS AFTER THE EFFECTIVE DATE UNDER SECTION
10 19-4.1-304 OF THE ACKNOWLEDGMENT OR DENIAL; OR

11 (b) THE DATE OF THE FIRST HEARING BEFORE A COURT IN A
12 PROCEEDING, TO WHICH THE SIGNATORY IS A PARTY, TO ADJUDICATE AN
13 ISSUE RELATING TO THE CHILD, INCLUDING A PROCEEDING THAT
14 ESTABLISHES SUPPORT.

15 (2) IF AN ACKNOWLEDGMENT OF PARENTAGE IS RESCINDED UNDER
16 SUBSECTION (1) OF THIS SECTION, AN ASSOCIATED DENIAL OF PARENTAGE
17 IS INVALID, AND THE STATE REGISTRAR SHALL NOTIFY THE WOMAN WHO
18 GAVE BIRTH TO THE CHILD AND THE INDIVIDUAL WHO SIGNED A DENIAL OF
19 PARENTAGE OF THE CHILD THAT THE ACKNOWLEDGMENT HAS BEEN
20 RESCINDED. FAILURE TO GIVE THE NOTICE REQUIRED BY THIS SUBSECTION
21 (2) DOES NOT AFFECT THE VALIDITY OF THE RESCISSION.

22 **19-4.1-309. Challenge after expiration of period for rescission.**

23 (1) AFTER THE PERIOD FOR RESCISSION UNDER SECTION 19-4.1-308
24 EXPIRES, BUT NOT LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE
25 UNDER SECTION 19-4.1-304 OF AN ACKNOWLEDGMENT OF PARENTAGE OR
26 DENIAL OF PARENTAGE, A SIGNATORY OF THE ACKNOWLEDGMENT OR
27 DENIAL MAY COMMENCE A PROCEEDING TO CHALLENGE THE

1 ACKNOWLEDGMENT OR DENIAL, INCLUDING A CHALLENGE BROUGHT
2 UNDER SECTION 19-4.1-614, ONLY ON THE BASIS OF FRAUD, DURESS, OR
3 MATERIAL MISTAKE OF FACT.

4 (2) A CHALLENGE TO AN ACKNOWLEDGMENT OF PARENTAGE OR
5 DENIAL OF PARENTAGE BY AN INDIVIDUAL WHO WAS NOT A SIGNATORY TO
6 THE ACKNOWLEDGMENT OR DENIAL IS GOVERNED BY SECTION 19-4.1-610.

7 **19-4.1-310. Procedure for challenge by signatory.** (1) EVERY
8 SIGNATORY TO AN ACKNOWLEDGMENT OF PARENTAGE AND ANY RELATED
9 DENIAL OF PARENTAGE MUST BE MADE A PARTY TO A PROCEEDING TO
10 CHALLENGE THE ACKNOWLEDGMENT OR DENIAL.

11 (2) BY SIGNING AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL
12 OF PARENTAGE, A SIGNATORY SUBMITS TO PERSONAL JURISDICTION IN THIS
13 STATE IN A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OR
14 DENIAL, EFFECTIVE ON THE FILING OF THE ACKNOWLEDGMENT OR DENIAL
15 WITH THE STATE REGISTRAR.

16 (3) THE COURT MAY NOT SUSPEND THE LEGAL RESPONSIBILITIES
17 ARISING FROM AN ACKNOWLEDGMENT OF PARENTAGE, INCLUDING THE
18 DUTY TO PAY CHILD SUPPORT, DURING THE PENDENCY OF A PROCEEDING
19 TO CHALLENGE THE ACKNOWLEDGMENT OR A RELATED DENIAL OF
20 PARENTAGE, UNLESS THE PARTY CHALLENGING THE ACKNOWLEDGMENT OR
21 DENIAL SHOWS GOOD CAUSE.

22 (4) A PARTY CHALLENGING AN ACKNOWLEDGMENT OF PARENTAGE
23 OR DENIAL OF PARENTAGE HAS THE BURDEN OF PROOF.

24 (5) IF THE COURT DETERMINES THAT A PARTY HAS SATISFIED THE
25 BURDEN OF PROOF UNDER SUBSECTION (4) OF THIS SECTION, THE COURT
26 SHALL ORDER THE STATE REGISTRAR TO AMEND THE BIRTH RECORD OF THE
27 CHILD TO REFLECT THE LEGAL PARENTAGE OF THE CHILD.

1 (6) A PROCEEDING TO CHALLENGE AN ACKNOWLEDGMENT OF
2 PARENTAGE OR DENIAL OF PARENTAGE MUST BE CONDUCTED UNDER PART
3 6 OF THIS ARTICLE 4.1.

4 **19-4.1-311. Full faith and credit.** THE COURT SHALL GIVE FULL
5 FAITH AND CREDIT TO AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL
6 OF PARENTAGE EFFECTIVE IN ANOTHER STATE IF THE ACKNOWLEDGMENT
7 OR DENIAL WAS IN A SIGNED RECORD AND OTHERWISE COMPLIES WITH LAW
8 OF THE OTHER STATE.

9 **19-4.1-312. Forms for acknowledgment and denial of**
10 **parentage.** (1) THE STATE REGISTRAR SHALL PRESCRIBE FORMS FOR AN
11 ACKNOWLEDGMENT OF PARENTAGE AND DENIAL OF PARENTAGE.

(2) A VALID ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE IS NOT AFFECTED BY A LATER MODIFICATION OF THE FORM UNDER SUBSECTION (1) OF THIS SECTION.

15 **19-4.1-313. Release of information.** THE STATE REGISTRAR MAY
16 RELEASE INFORMATION RELATING TO AN ACKNOWLEDGMENT OF
17 PARENTAGE OR DENIAL OF PARENTAGE TO A SIGNATORY OF THE
18 ACKNOWLEDGMENT OR DENIAL, A COURT, A FEDERAL AGENCY, AND A
19 CHILD SUPPORT AGENCY OF THIS OR ANOTHER STATE.

19-4.1-314. **Adoption of rules.** THE STATE REGISTRAR MAY ADOPT
RULES PURSUANT TO ARTICLE 4 OF TITLE 24 TO IMPLEMENT THIS PART 3.

PART 4

REGISTRY OF PATERNITY

SUBPART 1

GENERAL PROVISIONS

26 **19-4.1-401. Establishment of registry.** A REGISTRY OF
27 PATERNITY IS ESTABLISHED IN THE OFFICE OF THE STATE REGISTRAR.

1 **19-4.1-402. Registration for notification.** (1) EXCEPT AS
2 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION OR SECTION
3 19-4.1-405, A MAN WHO DESIRES TO BE NOTIFIED OF A PROCEEDING FOR
4 ADOPTION OF, OR TERMINATION OF PARENTAL RIGHTS REGARDING, HIS
5 GENETIC CHILD MUST REGISTER IN THE REGISTRY OF PATERNITY
6 ESTABLISHED BY SECTION 19-4.1-401 BEFORE THE BIRTH OF THE CHILD OR
7 NOT LATER THAN THIRTY DAYS AFTER THE BIRTH.

8 (2) A MAN IS NOT REQUIRED TO REGISTER UNDER SUBSECTION (1)
9 OF THIS SECTION IF:

10 (a) A PARENT-CHILD RELATIONSHIP BETWEEN THE MAN AND THE
11 CHILD HAS BEEN ESTABLISHED UNDER THIS ARTICLE 4.1 OR LAW OF THIS
12 STATE OTHER THAN THIS ARTICLE 4.1; OR

13 (b) THE MAN COMMENCES A PROCEEDING TO ADJUDICATE HIS
14 PARENTAGE BEFORE A COURT HAS TERMINATED HIS PARENTAL RIGHTS.

15 (3) A MAN WHO REGISTERS UNDER SUBSECTION (1) OF THIS
16 SECTION SHALL NOTIFY THE REGISTRY PROMPTLY IN A RECORD OF ANY
17 CHANGE IN THE INFORMATION REGISTERED. THE STATE REGISTRAR SHALL
18 INCORPORATE NEW INFORMATION RECEIVED INTO ITS RECORDS BUT NEED
19 NOT SEEK TO OBTAIN CURRENT INFORMATION FOR INCORPORATION IN THE
20 REGISTRY.

21 **19-4.1-403. Notice of proceeding.** AN INDIVIDUAL WHO SEEKS TO
22 ADOPT A CHILD OR TERMINATE PARENTAL RIGHTS TO THE CHILD SHALL
23 GIVE NOTICE OF THE PROCEEDING TO A MAN WHO HAS REGISTERED TIMELY
24 UNDER SECTION 19-4.1-402 (1) REGARDING THE CHILD. NOTICE MUST BE
25 GIVEN IN A MANNER PRESCRIBED FOR SERVICE OF PROCESS IN A CIVIL
26 PROCEEDING IN THIS STATE.

27 **19-4.1-404. Termination of parental rights - child under one**

1 **year of age. (1)** AN INDIVIDUAL WHO SEEKS TO TERMINATE PARENTAL
2 RIGHTS TO OR ADOPT A CHILD IS NOT REQUIRED TO GIVE NOTICE OF THE
3 PROCEEDING TO A MAN WHO MAY BE THE GENETIC FATHER OF THE CHILD
4 IF:

5 (a) THE CHILD IS UNDER ONE YEAR OF AGE AT THE TIME OF THE
6 TERMINATION OF PARENTAL RIGHTS;

7 (b) THE MAN DID NOT REGISTER TIMELY UNDER SECTION
8 19-4.1-402 (1); AND

9 (c) THE MAN IS NOT EXEMPT FROM REGISTRATION UNDER SECTION
10 19-4.1-402 (2).

19-4.1-405. Termination of parental rights - child at least one year of age. IF A CHILD IS AT LEAST ONE YEAR OF AGE, AN INDIVIDUAL SEEKING TO ADOPT OR TERMINATE PARENTAL RIGHTS TO THE CHILD SHALL GIVE NOTICE OF THE PROCEEDING TO EACH ALLEGED GENETIC FATHER OF THE CHILD, WHETHER OR NOT HE HAS REGISTERED UNDER SECTION 19-4.1-402 (1), UNLESS HIS PARENTAL RIGHTS HAVE ALREADY BEEN TERMINATED. NOTICE MUST BE GIVEN IN A MANNER PRESCRIBED FOR SERVICE OF PROCESS IN A CIVIL PROCEEDING IN THIS STATE.

19 SUBPART 2
20 OPERATION OF REGISTRY

21 **19-4.1-406. Required form.** (1) THE STATE REGISTRAR SHALL
22 PRESCRIBE A FORM FOR REGISTERING UNDER SECTION 19-4.1-402 (1). THE
23 FORM MUST STATE THAT:

24 (a) THE MAN WHO REGISTERS SIGNS THE FORM UNDER PENALTY OF
25 PERJURY;

26 (b) TIMELY REGISTRATION ENTITLES THE MAN WHO REGISTERS TO
27 NOTICE OF A PROCEEDING FOR ADOPTION OF THE CHILD OR TERMINATION

1 OF THE PARENTAL RIGHTS OF THE MAN;

2 (c) TIMELY REGISTRATION DOES NOT COMMENCE A PROCEEDING TO
3 ESTABLISH PARENTAGE;

4 (d) THE INFORMATION DISCLOSED ON THE FORM MAY BE USED
5 AGAINST THE MAN WHO REGISTERS TO ESTABLISH PARENTAGE;

6 (e) SERVICES TO ASSIST IN ESTABLISHING PARENTAGE ARE
7 AVAILABLE TO THE MAN WHO REGISTERS THROUGH THE STATE CHILD
8 SUPPORT ENFORCEMENT AGENCY IN THE DEPARTMENT OF HUMAN
9 SERVICES;

10 (f) THE MAN WHO REGISTERS ALSO MAY REGISTER IN A REGISTRY
11 OF PATERNITY IN ANOTHER STATE IF CONCEPTION OR BIRTH OF THE CHILD
12 OCCURRED IN THE OTHER STATE;

13 (g) INFORMATION ON REGISTRIES OF PATERNITY OF OTHER STATES
14 IS AVAILABLE FROM THE STATE CHILD SUPPORT ENFORCEMENT AGENCY IN
15 THE DEPARTMENT OF HUMAN SERVICES; AND

16 (h) PROCEDURES EXIST TO RESCIND THE REGISTRATION.

17 (2) A MAN WHO REGISTERS UNDER SECTION 19-4.1-402 (1) SHALL
18 SIGN THE FORM DESCRIBED IN SUBSECTION (1) OF THIS SECTION UNDER
19 PENALTY OF PERJURY.

20 **19-4.1-407. Furnishing information - confidentiality.** (1) THE
21 STATE REGISTRAR IS NOT REQUIRED TO SEEK TO LOCATE THE WOMAN WHO
22 GAVE BIRTH TO THE CHILD WHO IS THE SUBJECT OF A REGISTRATION UNDER
23 SECTION 19-4.1-402 (1), BUT THE STATE REGISTRAR SHALL GIVE NOTICE OF
24 THE REGISTRATION TO THE WOMAN IF THE STATE REGISTRAR HAS HER
25 ADDRESS.

26 (2) INFORMATION CONTAINED IN THE REGISTRY OF PATERNITY
27 ESTABLISHED BY SECTION 19-4.1-401 IS CONFIDENTIAL AND MAY BE

1 RELEASED ON REQUEST ONLY TO:

2 (a) A COURT OR INDIVIDUAL DESIGNATED BY THE COURT;

3 (b) THE WOMAN WHO GAVE BIRTH TO THE CHILD WHO IS THE
4 SUBJECT OF THE REGISTRATION;

5 (c) AN AGENCY AUTHORIZED BY LAW OF THIS STATE OTHER THAN
6 THIS ARTICLE 4.1, THE LAW OF ANOTHER STATE, OR FEDERAL LAW TO
7 RECEIVE THE INFORMATION;

8 (d) A LICENSED CHILD-PLACING AGENCY;

9 (e) A CHILD SUPPORT AGENCY;

10 (f) A PARTY OR THE PARTY'S ATTORNEY OF RECORD IN A
11 PROCEEDING UNDER THIS ARTICLE 4.1 OR IN A PROCEEDING TO ADOPT OR
12 TERMINATE PARENTAL RIGHTS TO THE CHILD WHO IS THE SUBJECT OF THE
13 REGISTRATION; AND

14 (g) A REGISTRY OF PATERNITY IN ANOTHER STATE.

15 **19-4.1-408. Penalty for releasing information.** AN INDIVIDUAL
16 WHO INTENTIONALLY RELEASES INFORMATION FROM THE REGISTRY OF
17 PATERNITY ESTABLISHED BY SECTION 19-4.1-401 TO AN INDIVIDUAL OR
18 AGENCY NOT AUTHORIZED UNDER SECTION 19-4.1-407 (2) TO RECEIVE THE
19 INFORMATION COMMITS A CLASS 1 MISDEMEANOR.

20 **19-4.1-409. Rescission of registration.** A MAN WHO REGISTERS
21 UNDER SECTION 19-4.1-402 (1) MAY RESCIND HIS REGISTRATION AT ANY
22 TIME BY FILING WITH THE REGISTRY OF PATERNITY ESTABLISHED BY
23 SECTION 19-4.1-401 A RESCISSION IN A SIGNED RECORD THAT IS ATTESTED
24 BY A NOTARIAL OFFICER OR WITNESSED.

25 **19-4.1-410. Untimely registration.** IF A MAN REGISTERS UNDER
26 SECTION 19-4.1-402 (1) MORE THAN THIRTY DAYS AFTER THE BIRTH OF THE
27 CHILD, THE STATE REGISTRAR SHALL NOTIFY THE MAN WHO REGISTERS

1 THAT, BASED ON A REVIEW OF THE REGISTRATION, THE REGISTRATION WAS
2 NOT FILED TIMELY.

3 **19-4.1-411. Fees for registry.** (1) THE STATE REGISTRAR MAY
4 NOT CHARGE A FEE FOR FILING A REGISTRATION UNDER SECTION
5 19-4.1-402 (1) OR RESCISSION OF REGISTRATION UNDER SECTION
6 19-4.1-409.

7 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
8 SECTION, THE STATE REGISTRAR MAY CHARGE A REASONABLE FEE TO
9 SEARCH THE REGISTRY OF PATERNITY ESTABLISHED BY SECTION
10 19-4.1-401 AND FOR FURNISHING A CERTIFICATE OF SEARCH UNDER
11 SECTION 19-4.1-414.

12 (3) A CHILD SUPPORT ENFORCEMENT AGENCY AND OTHER
13 APPROPRIATE AGENCIES, IF ANY, ARE NOT REQUIRED TO PAY A FEE
14 AUTHORIZED BY SUBSECTION (2) OF THIS SECTION.

15 SUBPART 3

16 SEARCH OF REGISTRY

17 **19-4.1-412. Child born through assisted reproduction - search**
18 **of registry inapplicable.** THIS SUBPART 3 DOES NOT APPLY TO A CHILD
19 BORN THROUGH ASSISTED REPRODUCTION.

20 **19-4.1-413. Search of appropriate registry.** (1) IF A
21 PARENT-CHILD RELATIONSHIP HAS NOT BEEN ESTABLISHED UNDER THIS
22 ARTICLE 4.1 BETWEEN A CHILD WHO IS UNDER ONE YEAR OF AGE AND AN
23 INDIVIDUAL OTHER THAN THE WOMAN WHO GAVE BIRTH TO THE CHILD:

24 (a) AN INDIVIDUAL SEEKING TO ADOPT OR TERMINATE PARENTAL
25 RIGHTS TO THE CHILD SHALL OBTAIN A CERTIFICATE OF SEARCH UNDER
26 SECTION 19-4.1-414 TO DETERMINE IF A REGISTRATION HAS BEEN FILED IN
27 THE REGISTRY OF PATERNITY ESTABLISHED BY SECTION 19-4.1-401

1 REGARDING THE CHILD; AND

2 (b) IF THE INDIVIDUAL HAS REASON TO BELIEVE THAT CONCEPTION
3 OR BIRTH OF THE CHILD MAY HAVE OCCURRED IN ANOTHER STATE, THE
4 INDIVIDUAL SHALL OBTAIN A CERTIFICATE OF SEARCH FROM THE REGISTRY
5 OF PATERNITY, IF ANY, IN THAT STATE.

6 **19-4.1-414. Certificate of search of registry.** (1) THE REGISTER
7 SHALL FURNISH A CERTIFICATE OF SEARCH OF THE REGISTRY OF PATERNITY
8 ESTABLISHED BY SECTION 19-4.1-401 ON REQUEST TO AN INDIVIDUAL,
9 COURT, OR AGENCY IDENTIFIED IN SECTION 19-4.1-407 (2) OR AN
10 INDIVIDUAL REQUIRED UNDER SECTION 19-4.1-413 (1)(a) TO OBTAIN A
11 CERTIFICATE.

12 (2) A CERTIFICATE FURNISHED UNDER SUBSECTION (1) OF THIS
13 SECTION:

14 (a) MUST BE SIGNED ON BEHALF OF THE STATE REGISTRAR AND
15 STATE THAT:

16 (I) A SEARCH HAS BEEN MADE OF THE REGISTRY; AND

17 (II) A REGISTRATION UNDER SECTION 19-4.1-402 (1) CONTAINING
18 THE INFORMATION REQUIRED TO IDENTIFY THE MAN WHO REGISTERS:

19 (A) HAS BEEN FOUND; OR

20 (B) HAS NOT BEEN FOUND; AND

21 (b) IF SUBSECTION (2)(a)(II)(A) OF THIS SECTION APPLIES, MUST
22 HAVE A COPY OF THE REGISTRATION ATTACHED.

23 (3) AN INDIVIDUAL SEEKING TO ADOPT OR TERMINATE PARENTAL
24 RIGHTS TO A CHILD MUST FILE WITH THE COURT THE CERTIFICATE OF
25 SEARCH FURNISHED UNDER SUBSECTION (1) OF THIS SECTION AND SECTION
26 19-4.1-413 (1)(b), IF APPLICABLE, BEFORE A PROCEEDING TO ADOPT OR
27 TERMINATE PARENTAL RIGHTS TO THE CHILD MAY BE CONCLUDED.

1 **19-4.1-415. Admissibility of registered information.** A
2 CERTIFICATE OF SEARCH OF A REGISTRY OF PATERNITY IN THIS OR
3 ANOTHER STATE IS ADMISSIBLE IN A PROCEEDING FOR ADOPTION OF OR
4 TERMINATION OF PARENTAL RIGHTS TO A CHILD AND, IF RELEVANT, IN
5 OTHER LEGAL PROCEEDINGS.

6 PART 5
7 GENETIC TESTING

8 **19-4.1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "COMBINED RELATIONSHIP INDEX" MEANS THE PRODUCT OF
11 ALL TESTED RELATIONSHIP INDICES.

(2) "ETHNIC OR RACIAL GROUP" MEANS, FOR THE PURPOSE OF GENETIC TESTING, A RECOGNIZED GROUP THAT AN INDIVIDUAL IDENTIFIES AS THE INDIVIDUAL'S ANCESTRY OR PART OF THE ANCESTRY OR THAT IS IDENTIFIED BY OTHER INFORMATION.

16 (3) "HYPOTHESIZED GENETIC RELATIONSHIP" MEANS AN ASSERTED
17 GENETIC RELATIONSHIP BETWEEN AN INDIVIDUAL AND A CHILD.

(4) "PROBABILITY OF PARENTAGE" MEANS, FOR THE ETHNIC OR RACIAL GROUP TO WHICH AN INDIVIDUAL ALLEGED TO BE A PARENT BELONGS, THE PROBABILITY THAT A HYPOTHESIZED GENETIC RELATIONSHIP IS SUPPORTED, COMPARED TO THE PROBABILITY THAT A GENETIC RELATIONSHIP IS SUPPORTED BETWEEN THE CHILD AND A RANDOM INDIVIDUAL OF THE ETHNIC OR RACIAL GROUP USED IN THE HYPOTHESIZED GENETIC RELATIONSHIP, EXPRESSED AS A PERCENTAGE INCORPORATING THE COMBINED RELATIONSHIP INDEX AND A PRIOR PROBABILITY.

(5) "RELATIONSHIP INDEX" MEANS A LIKELIHOOD RATIO THAT
COMPARES THE PROBABILITY OF A GENETIC MARKER GIVEN A

1 HYPOTHESIZED GENETIC RELATIONSHIP AND THE PROBABILITY OF THE
2 GENETIC MARKER GIVEN A GENETIC RELATIONSHIP BETWEEN THE CHILD
3 AND A RANDOM INDIVIDUAL OF THE ETHNIC OR RACIAL GROUP USED IN THE
4 HYPOTHESIZED GENETIC RELATIONSHIP.

5 **19-4.1-502. Scope of part 5 - limitation on use of genetic**
6 **testing.** (1) THIS PART 5 GOVERNS GENETIC TESTING OF AN INDIVIDUAL IN

7 A PROCEEDING TO ADJUDICATE PARENTAGE, WHETHER THE INDIVIDUAL:

8 (a) VOLUNTARILY SUBMITS TO TESTING; OR

9 (b) IS TESTED UNDER AN ORDER OF THE COURT OR A CHILD
10 SUPPORT AGENCY.

11 (2) GENETIC TESTING MAY NOT BE USED:

12 (a) TO CHALLENGE THE PARENTAGE OF AN INDIVIDUAL WHO IS A
13 PARENT UNDER PART 7 OR 8 OF THIS ARTICLE 4.1; OR

14 (b) TO ESTABLISH THE PARENTAGE OF AN INDIVIDUAL WHO IS A
15 DONOR.

16 **19-4.1-503. Authority to order or deny genetic testing.**

17 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 5 OR PART 6 OF THIS
18 ARTICLE 4.1, IN A PROCEEDING UNDER THIS ARTICLE 4.1 TO DETERMINE
19 PARENTAGE, THE COURT SHALL ORDER THE CHILD AND ANY OTHER
20 INDIVIDUAL TO SUBMIT TO GENETIC TESTING IF A REQUEST FOR TESTING IS
21 SUPPORTED BY THE SWORN STATEMENT OF A PARTY:

22 (a) ALLEGING A REASONABLE POSSIBILITY THAT THE INDIVIDUAL
23 IS THE CHILD'S GENETIC PARENT; OR

24 (b) DENYING GENETIC PARENTAGE OF THE CHILD AND STATING
25 FACTS ESTABLISHING A REASONABLE POSSIBILITY THAT THE INDIVIDUAL IS
26 NOT A GENETIC PARENT.

27 (2) A CHILD SUPPORT AGENCY MAY ORDER GENETIC TESTING ONLY

1 IF THERE IS NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED PARENT OF
2 A CHILD OTHER THAN THE WOMAN WHO GAVE BIRTH TO THE CHILD.

3 (3) THE COURT OR CHILD SUPPORT AGENCY MAY NOT ORDER IN
4 UTERO GENETIC TESTING.

5 (4) IF TWO OR MORE INDIVIDUALS ARE SUBJECT TO
6 COURT-ORDERED GENETIC TESTING, THE COURT MAY ORDER THAT TESTING
7 BE COMPLETED CONCURRENTLY OR SEQUENTIALLY.

8 (5) GENETIC TESTING OF A WOMAN WHO GAVE BIRTH TO A CHILD
9 IS NOT A CONDITION PRECEDENT TO TESTING OF THE CHILD AND AN
10 INDIVIDUAL WHOSE GENETIC PARENTAGE OF THE CHILD IS BEING
11 DETERMINED. IF THE WOMAN IS UNAVAILABLE OR DECLINES TO SUBMIT TO
12 GENETIC TESTING, THE COURT MAY ORDER GENETIC TESTING OF THE CHILD
13 AND EACH INDIVIDUAL WHOSE GENETIC PARENTAGE OF THE CHILD IS BEING
14 ADJUDICATED.

15 (6) IN A PROCEEDING TO ADJUDICATE THE PARENTAGE OF A CHILD
16 HAVING A PRESUMED PARENT OR AN INDIVIDUAL WHO CLAIMS TO BE A
17 PARENT UNDER SECTION 19-4.1-609, OR TO CHALLENGE AN
18 ACKNOWLEDGMENT OF PARENTAGE, THE COURT MAY DENY A MOTION FOR
19 GENETIC TESTING OF THE CHILD AND ANY OTHER INDIVIDUAL AFTER
20 CONSIDERING THE FACTORS IN SECTION 19-4.1-613 (1) AND (2).

21 (7) IF AN INDIVIDUAL REQUESTING GENETIC TESTING IS BARRED
22 UNDER PART 6 OF THIS ARTICLE 4.1 FROM ESTABLISHING THE INDIVIDUAL'S
23 PARENTAGE, THE COURT SHALL DENY THE REQUEST FOR GENETIC TESTING.

24 (8) AN ORDER UNDER THIS SECTION FOR GENETIC TESTING IS
25 ENFORCEABLE BY CONTEMPT.

26 **19-4.1-504. Requirements for genetic testing.** (1) GENETIC
27 TESTING MUST BE OF A TYPE REASONABLY RELIED ON BY EXPERTS IN THE

1 FIELD OF GENETIC TESTING AND PERFORMED IN A TESTING LABORATORY
2 ACCREDITED BY:

3 (a) THE AABB, FORMERLY KNOWN AS THE AMERICAN
4 ASSOCIATION OF BLOOD BANKS, OR A SUCCESSOR TO ITS FUNCTIONS; OR

5 (b) AN ACCREDITING BODY DESIGNATED BY THE SECRETARY OF
6 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

7 (2) A SPECIMEN USED IN GENETIC TESTING MAY CONSIST OF A
8 SAMPLE OR A COMBINATION OF SAMPLES OF BLOOD, BUCCAL CELLS, BONE,
9 HAIR, OR OTHER BODY TISSUE OR FLUID. THE SPECIMEN USED IN THE
10 TESTING NEED NOT BE OF THE SAME KIND FOR EACH INDIVIDUAL
11 UNDERGOING GENETIC TESTING.

12 (3) BASED ON THE ETHNIC OR RACIAL GROUP OF AN INDIVIDUAL
13 UNDERGOING GENETIC TESTING, A TESTING LABORATORY SHALL
14 DETERMINE THE DATABASES FROM WHICH TO SELECT FREQUENCIES FOR
15 USE IN CALCULATING A RELATIONSHIP INDEX. IF AN INDIVIDUAL OR A
16 CHILD SUPPORT AGENCY OBJECTS TO THE LABORATORY'S CHOICE, THE
17 FOLLOWING RULES APPLY:

18 (a) NOT LATER THAN THIRTY DAYS AFTER RECEIPT OF THE REPORT
19 OF THE TEST, THE OBJECTING INDIVIDUAL OR CHILD SUPPORT AGENCY MAY
20 REQUEST THE COURT TO REQUIRE THE LABORATORY TO RECALCULATE THE
21 RELATIONSHIP INDEX USING AN ETHNIC OR RACIAL GROUP DIFFERENT FROM
22 THAT USED BY THE LABORATORY; AND

23 (b) THE INDIVIDUAL OR THE CHILD SUPPORT AGENCY OBJECTING TO
24 THE LABORATORY'S CHOICE UNDER THIS SUBSECTION (3)(b) SHALL:

25 (I) IF THE REQUESTED FREQUENCIES ARE NOT AVAILABLE TO THE
26 LABORATORY FOR THE ETHNIC OR RACIAL GROUP REQUESTED, PROVIDE
27 THE REQUESTED FREQUENCIES COMPILED IN A MANNER RECOGNIZED BY

1 ACCREDITING BODIES;

2 (II) ENGAGE ANOTHER LABORATORY TO PERFORM THE
3 CALCULATIONS; OR

4 (III) THE LABORATORY MAY USE ITS OWN STATISTICAL ESTIMATE
5 IF THERE IS A QUESTION WHICH ETHNIC OR RACIAL GROUP IS APPROPRIATE.
6 THE LABORATORY SHALL CALCULATE THE FREQUENCIES USING STATISTICS,
7 IF AVAILABLE, FOR ANY OTHER ETHNIC OR RACIAL GROUP REQUESTED.

8 (4) IF, AFTER RECALCULATION OF THE RELATIONSHIP INDEX UNDER
9 SUBSECTION (3) OF THIS SECTION USING A DIFFERENT ETHNIC OR RACIAL
10 GROUP, GENETIC TESTING UNDER SECTION 19-4.1-506 DOES NOT IDENTIFY
11 AN INDIVIDUAL AS A GENETIC PARENT OF A CHILD, THE COURT MAY
12 REQUIRE AN INDIVIDUAL WHO HAS BEEN TESTED TO SUBMIT TO
13 ADDITIONAL GENETIC TESTING TO IDENTIFY A GENETIC PARENT.

14 **19-4.1-505. Report of genetic testing.** (1) A REPORT OF GENETIC
15 TESTING MUST BE IN A RECORD AND SIGNED UNDER PENALTY OF PERJURY
16 BY A DESIGNEE OF THE TESTING LABORATORY. A REPORT COMPLYING WITH
17 THE REQUIREMENTS OF THIS PART 5 IS SELF-AUTHENTICATING.

18 (2) DOCUMENTATION FROM A TESTING LABORATORY OF THE
19 FOLLOWING INFORMATION IS SUFFICIENT TO ESTABLISH A RELIABLE CHAIN
20 OF CUSTODY AND ALLOW THE RESULTS OF GENETIC TESTING TO BE
21 ADMISSIBLE WITHOUT TESTIMONY:

22 (a) THE NAME AND PHOTOGRAPH OF EACH INDIVIDUAL WHOSE
23 SPECIMEN HAS BEEN TAKEN;

24 (b) THE NAME OF THE INDIVIDUAL WHO COLLECTED EACH
25 SPECIMEN;

26 (c) THE PLACE AND DATE EACH SPECIMEN WAS COLLECTED;

27 (d) THE NAME OF THE INDIVIDUAL WHO RECEIVED EACH SPECIMEN

1 IN THE TESTING LABORATORY; AND

2 (e) THE DATE EACH SPECIMEN WAS RECEIVED.

3 **19-4.1-506. Genetic testing results - challenge to results.**

4 (1) SUBJECT TO A CHALLENGE UNDER SUBSECTION (2) OF THIS SECTION,
5 AN INDIVIDUAL IS IDENTIFIED UNDER THIS ARTICLE 4.1 AS A GENETIC
6 PARENT OF A CHILD IF GENETIC TESTING COMPLIES WITH THIS PART 5 AND
7 THE RESULTS OF THE TESTING DISCLOSE:

8 (a) THE INDIVIDUAL HAS AT LEAST A NINETY-NINE PERCENT
9 PROBABILITY OF PARENTAGE, USING A PRIOR PROBABILITY OF 0.50, AS
10 CALCULATED BY USING THE COMBINED RELATIONSHIP INDEX OBTAINED IN
11 THE TESTING; AND

12 (b) A COMBINED RELATIONSHIP INDEX OF AT LEAST ONE HUNDRED
13 TO ONE.

14 (2) AN INDIVIDUAL IDENTIFIED UNDER SUBSECTION (1) OF THIS
15 SECTION AS A GENETIC PARENT OF THE CHILD MAY CHALLENGE THE
16 GENETIC TESTING RESULTS ONLY BY OTHER GENETIC TESTING SATISFYING
17 THE REQUIREMENTS OF THIS PART 5 THAT:

18 (a) EXCLUDES THE INDIVIDUAL AS A GENETIC PARENT OF THE
19 CHILD; OR

20 (b) IDENTIFIES ANOTHER INDIVIDUAL AS A POSSIBLE GENETIC
21 PARENT OF THE CHILD OTHER THAN:

22 (I) THE WOMAN WHO GAVE BIRTH TO THE CHILD; OR

23 (II) THE INDIVIDUAL IDENTIFIED UNDER SUBSECTION (1) OF THIS
24 SECTION.

25 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-511, IF
26 MORE THAN ONE INDIVIDUAL OTHER THAN THE WOMAN WHO GAVE BIRTH
27 IS IDENTIFIED BY GENETIC TESTING AS A POSSIBLE GENETIC PARENT OF THE

1 CHILD, THE COURT SHALL ORDER EACH INDIVIDUAL TO SUBMIT TO FURTHER
2 GENETIC TESTING TO IDENTIFY A GENETIC PARENT.

3 **19-4.1-507. Cost of genetic testing.** (1) SUBJECT TO ASSESSMENT
4 OF FEES UNDER PART 6 OF THIS ARTICLE 4.1, PAYMENT OF THE COST OF
5 INITIAL GENETIC TESTING MUST BE MADE IN ADVANCE:

6 (a) BY A CHILD SUPPORT AGENCY IN A PROCEEDING IN WHICH THE
7 CHILD SUPPORT AGENCY IS PROVIDING SERVICES;

8 (b) BY THE INDIVIDUAL WHO MADE THE REQUEST FOR GENETIC
9 TESTING;

10 (c) AS AGREED BY THE PARTIES; OR

11 (d) AS ORDERED BY THE COURT.

12 (2) IF THE COST OF GENETIC TESTING IS PAID BY A CHILD SUPPORT
13 AGENCY, THE AGENCY MAY SEEK REIMBURSEMENT FROM THE GENETIC
14 PARENT WHOSE PARENT-CHILD RELATIONSHIP IS ESTABLISHED.

15 **19-4.1-508. Additional genetic testing.** THE COURT OR CHILD
16 SUPPORT AGENCY SHALL ORDER ADDITIONAL GENETIC TESTING ON
17 REQUEST OF AN INDIVIDUAL WHO CONTESTS THE RESULT OF THE INITIAL
18 TESTING UNDER SECTION 19-4.1-506. IF INITIAL GENETIC TESTING UNDER
19 SECTION 19-4.1-506 IDENTIFIED AN INDIVIDUAL AS A GENETIC PARENT OF
20 THE CHILD, THE COURT OR AGENCY MAY NOT ORDER ADDITIONAL TESTING
21 UNLESS THE CONTESTING INDIVIDUAL PAYS FOR THE TESTING IN ADVANCE.

22 **19-4.1-509. Genetic testing when specimen not available.**

23 (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION, IF A GENETIC-TESTING
24 SPECIMEN IS NOT AVAILABLE FROM AN ALLEGED GENETIC PARENT OF A
25 CHILD, AN INDIVIDUAL SEEKING GENETIC TESTING DEMONSTRATES GOOD
26 CAUSE, AND THE COURT FINDS THAT THE CIRCUMSTANCES ARE JUST, THE
27 COURT MAY ORDER ANY OF THE FOLLOWING INDIVIDUALS TO SUBMIT

1 SPECIMENS FOR GENETIC TESTING:

2 (a) A PARENT OF THE ALLEGED GENETIC PARENT;

3 (b) A SIBLING OF THE ALLEGED GENETIC PARENT;

4 (c) ANOTHER CHILD OF THE ALLEGED GENETIC PARENT AND THE
5 WOMAN WHO GAVE BIRTH TO THE OTHER CHILD; AND

6 (d) ANOTHER RELATIVE OF THE ALLEGED GENETIC PARENT
7 NECESSARY TO COMPLETE GENETIC TESTING.

8 (2) TO ISSUE AN ORDER UNDER THIS SECTION, THE COURT MUST
9 FIND THAT A NEED FOR GENETIC TESTING OUTWEIGHS THE LEGITIMATE
10 INTERESTS OF THE INDIVIDUAL SOUGHT TO BE TESTED.

11 **19-4.1-510. Deceased individual.** IF AN INDIVIDUAL SEEKING
12 GENETIC TESTING DEMONSTRATES GOOD CAUSE, THE COURT MAY ORDER
13 GENETIC TESTING OF A DECEASED INDIVIDUAL.

14 **19-4.1-511. Identical siblings.** (1) IF THE COURT FINDS THERE IS
15 REASON TO BELIEVE THAT AN ALLEGED GENETIC PARENT HAS AN
16 IDENTICAL SIBLING AND EVIDENCE THAT THE SIBLING MAY BE A GENETIC
17 PARENT OF THE CHILD, THE COURT MAY ORDER GENETIC TESTING OF THE
18 SIBLING.

19 (2) IF MORE THAN ONE SIBLING IS IDENTIFIED UNDER SECTION
20 19-4.1-506 AS A GENETIC PARENT OF THE CHILD, THE COURT MAY RELY ON
21 NONGENETIC EVIDENCE TO ADJUDICATE WHICH SIBLING IS A GENETIC
22 PARENT OF THE CHILD.

23 **19-4.1-512. Confidentiality of genetic testing.** (1) RELEASE OF
24 A REPORT OF GENETIC TESTING FOR PARENTAGE IS CONTROLLED BY LAW
25 OF THIS STATE OTHER THAN THIS ARTICLE 4.1.

26 (2) AN INDIVIDUAL WHO INTENTIONALLY RELEASES AN
27 IDENTIFIABLE SPECIMEN OF ANOTHER INDIVIDUAL COLLECTED FOR

1 GENETIC TESTING UNDER THIS PART 5 FOR A PURPOSE NOT RELEVANT TO A
2 PROCEEDING REGARDING PARENTAGE, WITHOUT A COURT ORDER OR
3 WRITTEN PERMISSION OF THE INDIVIDUAL WHO FURNISHED THE SPECIMEN,
4 COMMITS A CLASS 1 MISDEMEANOR.

5 PART 6
6 PROCEEDING TO ADJUDICATE PARENTAGE
7 SUBPART 1
8 NATURE OF PROCEEDING

9 **19-4.1-601. Proceeding authorized.** (1) A PROCEEDING MAY BE
10 COMMENCED TO ADJUDICATE THE PARENTAGE OF A CHILD. EXCEPT AS
11 OTHERWISE PROVIDED IN THIS ARTICLE 4.1, THE PROCEEDING IS GOVERNED
12 BY THE COLORADO RULES OF CIVIL PROCEDURE.

13 (2) A PROCEEDING TO ADJUDICATE THE PARENTAGE OF A CHILD
14 BORN UNDER A SURROGACY AGREEMENT IS GOVERNED BY PART 8 OF THIS
15 ARTICLE 4.1.

16 **19-4.1-602. Standing to maintain proceeding.** (1) EXCEPT AS
17 OTHERWISE PROVIDED IN PART 3 OF THIS ARTICLE 4.1 AND SECTIONS
18 19-4.1-608 TO 19-4.1-611, A PROCEEDING TO ADJUDICATE PARENTAGE
19 MAY BE MAINTAINED BY:

- 20 (a) THE CHILD;
- 21 (b) THE WOMAN WHO GAVE BIRTH TO THE CHILD, UNLESS A COURT
22 HAS ADJUDICATED THAT SHE IS NOT A PARENT;
- 23 (c) AN INDIVIDUAL WHO IS A PARENT UNDER THIS ARTICLE 4.1;
- 24 (d) AN INDIVIDUAL WHOSE PARENTAGE OF THE CHILD IS TO BE
25 ADJUDICATED;
- 26 (e) A CHILD SUPPORT AGENCY OR OTHER GOVERNMENTAL AGENCY
27 AUTHORIZED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1;

1 (f) AN ADOPTION AGENCY AUTHORIZED BY LAW OF THIS STATE
2 OTHER THAN THIS ARTICLE 4.1 OR A LICENSED CHILD PLACEMENT AGENCY;
3 OR

4 (g) A REPRESENTATIVE AUTHORIZED BY LAW OF THIS STATE OTHER
5 THAN THIS ARTICLE 4.1 TO ACT FOR AN INDIVIDUAL WHO OTHERWISE
6 WOULD BE ENTITLED TO MAINTAIN A PROCEEDING BUT IS DECEASED,
7 INCAPACITATED, OR A MINOR.

8 **19-4.1-603. Notice of proceeding.** (1) THE PETITIONER SHALL
9 GIVE NOTICE OF A PROCEEDING TO ADJUDICATE PARENTAGE TO THE
10 FOLLOWING INDIVIDUALS:

11 (a) THE WOMAN WHO GAVE BIRTH TO THE CHILD, UNLESS A COURT
12 HAS ADJUDICATED THAT SHE IS NOT A PARENT;

13 (b) AN INDIVIDUAL WHO IS A PARENT OF THE CHILD UNDER THIS
14 ARTICLE 4.1;

15 (c) A PRESUMED, ACKNOWLEDGED, OR ADJUDICATED PARENT OF
16 THE CHILD; AND

17 (d) AN INDIVIDUAL WHOSE PARENTAGE OF THE CHILD IS TO BE
18 ADJUDICATED.

19 (2) AN INDIVIDUAL ENTITLED TO NOTICE UNDER SUBSECTION (1) OF
20 THIS SECTION HAS A RIGHT TO INTERVENE IN THE PROCEEDING.

21 (3) LACK OF NOTICE REQUIRED BY SUBSECTION (1) OF THIS
22 SECTION DOES NOT RENDER A JUDGMENT VOID. LACK OF NOTICE DOES NOT
23 PRECLUDE AN INDIVIDUAL ENTITLED TO NOTICE UNDER SUBSECTION (1) OF
24 THIS SECTION FROM BRINGING A PROCEEDING UNDER SECTION 19-4.1-611
25 (1).

26 **19-4.1-604. Personal jurisdiction.** (1) THE COURT MAY
27 ADJUDICATE AN INDIVIDUAL'S PARENTAGE OF A CHILD ONLY IF THE COURT

1 HAS PERSONAL JURISDICTION OVER THE INDIVIDUAL.

2 (2) A COURT OF THIS STATE WITH JURISDICTION TO ADJUDICATE
3 PARENTAGE MAY EXERCISE PERSONAL JURISDICTION OVER A NONRESIDENT
4 INDIVIDUAL, OR THE GUARDIAN OR CONSERVATOR OF THE INDIVIDUAL, IF
5 THE CONDITIONS PRESCRIBED IN SECTION 14-5-201 ARE SATISFIED.

6 (3) LACK OF JURISDICTION OVER ONE INDIVIDUAL DOES NOT
7 PRECLUDE THE COURT FROM MAKING AN ADJUDICATION OF PARENTAGE
8 BINDING ON ANOTHER INDIVIDUAL.

9 **19-4.1-605. Venue.** (1) VENUE FOR A PROCEEDING TO
10 ADJUDICATE PARENTAGE IS IN THE COUNTY OR CITY AND COUNTY OF THIS
11 STATE IN WHICH:

12 (a) THE CHILD RESIDES OR IS LOCATED;

13 (b) IF THE CHILD DOES NOT RESIDE IN THIS STATE, THE RESPONDENT
14 RESIDES OR IS LOCATED; OR

15 (c) A PROCEEDING HAS BEEN COMMENCED FOR ADMINISTRATION
16 OF THE ESTATE OF AN INDIVIDUAL WHO IS OR MAY BE A PARENT UNDER
17 THIS ARTICLE 4.1.

18 SUBPART 2
19 SPECIAL RULES FOR PROCEEDING
20 TO ADJUDICATE PARENTAGE

21 **19-4.1-606. Admissibility of results of genetic testing.**

22 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-502 (2), THE
23 COURT SHALL ADMIT A REPORT OF GENETIC TESTING ORDERED BY THE
24 COURT UNDER SECTION 19-4.1-503 AS EVIDENCE OF THE TRUTH OF THE
25 FACTS ASSERTED IN THE REPORT.

26 (2) A PARTY MAY OBJECT TO THE ADMISSION OF A REPORT
27 DESCRIBED IN SUBSECTION (1) OF THIS SECTION NOT LATER THAN

1 FOURTEEN DAYS AFTER THE PARTY RECEIVES THE REPORT. THE PARTY
2 SHALL CITE SPECIFIC GROUNDS FOR EXCLUSION.

3 (3) A PARTY THAT OBJECTS TO THE RESULTS OF GENETIC TESTING
4 MAY CALL A GENETIC-TESTING EXPERT TO TESTIFY IN PERSON OR BY
5 ANOTHER METHOD APPROVED BY THE COURT. UNLESS THE COURT ORDERS
6 OTHERWISE, THE PARTY OFFERING THE TESTIMONY BEARS THE EXPENSE
7 FOR THE EXPERT TESTIFYING.

8 (4) ADMISSIBILITY OF A REPORT OF GENETIC TESTING IS NOT
9 AFFECTED BY WHETHER THE TESTING WAS PERFORMED:

10 (a) VOLUNTARILY OR UNDER AN ORDER OF THE COURT OR A CHILD
11 SUPPORT AGENCY; OR

12 (b) BEFORE, ON, OR AFTER COMMENCEMENT OF THE PROCEEDING.

13 **19-4.1-607. Adjudicating parentage of child with alleged**
14 **genetic parent.** (1) A PROCEEDING TO DETERMINE WHETHER AN ALLEGED
15 GENETIC PARENT WHO IS NOT A PRESUMED PARENT IS A PARENT OF A CHILD
16 MAY BE COMMENCED:

17 (a) BEFORE THE CHILD BECOMES AN ADULT; OR

18 (b) AFTER THE CHILD BECOMES AN ADULT, BUT ONLY IF THE CHILD
19 INITIATES THE PROCEEDING.

20 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614, THIS
21 SUBSECTION (2) APPLIES IN A PROCEEDING DESCRIBED IN SUBSECTION (1)
22 OF THIS SECTION IF THE WOMAN WHO GAVE BIRTH TO THE CHILD IS THE
23 ONLY OTHER INDIVIDUAL WITH A CLAIM TO PARENTAGE OF THE CHILD. THE
24 COURT SHALL ADJUDICATE AN ALLEGED GENETIC PARENT TO BE A PARENT
25 OF THE CHILD IF THE ALLEGED GENETIC PARENT:

26 (a) IS IDENTIFIED UNDER SECTION 19-4.1-506 AS A GENETIC PARENT
27 OF THE CHILD AND THE IDENTIFICATION IS NOT SUCCESSFULLY

1 CHALLENGED UNDER SECTION 19-4.1-506;

2 (b) ADMITS PARENTAGE IN A PLEADING, WHEN MAKING AN
3 APPEARANCE, OR DURING A HEARING; THE COURT ACCEPTS THE
4 ADMISSION; AND THE COURT DETERMINES THE ALLEGED GENETIC PARENT
5 TO BE A PARENT OF THE CHILD;

6 (c) DECLINES TO SUBMIT TO GENETIC TESTING ORDERED BY THE
7 COURT OR A CHILD SUPPORT AGENCY, IN WHICH CASE THE COURT MAY
8 ADJUDICATE THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE CHILD
9 EVEN IF THE ALLEGED GENETIC PARENT DENIES A GENETIC RELATIONSHIP
10 WITH THE CHILD;

11 (d) IS IN DEFAULT AFTER SERVICE OF PROCESS AND THE COURT
12 DETERMINES THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE
13 CHILD; OR

14 (e) IS NEITHER IDENTIFIED NOR EXCLUDED AS A GENETIC PARENT
15 BY GENETIC TESTING AND, BASED ON OTHER EVIDENCE, THE COURT
16 DETERMINES THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE
17 CHILD.

18 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614 AND
19 SUBJECT TO OTHER LIMITATIONS IN THIS SUBPART 2, IF IN A PROCEEDING
20 INVOLVING AN ALLEGED GENETIC PARENT AT LEAST ONE OTHER
21 INDIVIDUAL IN ADDITION TO THE WOMAN WHO GAVE BIRTH TO THE CHILD
22 HAS A CLAIM TO PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE
23 PARENTAGE UNDER SECTION 19-4.1-613.

24 **19-4.1-608. Adjudicating parentage of child with presumed**
25 **parent.** (1) A PROCEEDING TO DETERMINE WHETHER A PRESUMED PARENT
26 IS A PARENT OF A CHILD MAY BE COMMENCED:

27 (a) BEFORE THE CHILD BECOMES AN ADULT; OR

1 (b) AFTER THE CHILD BECOMES AN ADULT, BUT ONLY IF THE CHILD
2 INITIATES THE PROCEEDING.

3 (2) A PRESUMPTION OF PARENTAGE UNDER SECTION 19-4.1-204
4 CANNOT BE OVERCOME AFTER THE CHILD ATTAINS TWO YEARS OF AGE
5 UNLESS THE COURT DETERMINES:

6 (a) THE PRESUMED PARENT IS NOT A GENETIC PARENT, NEVER
7 RESIDED WITH THE CHILD, AND NEVER HELD OUT THE CHILD AS THE
8 PRESUMED PARENT'S CHILD; OR

9 (b) THE CHILD HAS MORE THAN ONE PRESUMED PARENT.

10 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614, THE
11 FOLLOWING RULES APPLY IN A PROCEEDING TO ADJUDICATE A PRESUMED
12 PARENT'S PARENTAGE OF A CHILD IF THE WOMAN WHO GAVE BIRTH TO THE
13 CHILD IS THE ONLY OTHER INDIVIDUAL WITH A CLAIM TO PARENTAGE OF
14 THE CHILD:

15 (a) IF NO PARTY TO THE PROCEEDING CHALLENGES THE PRESUMED
16 PARENT'S PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE THE
17 PRESUMED PARENT TO BE A PARENT OF THE CHILD;

18 (b) IF THE PRESUMED PARENT IS IDENTIFIED UNDER SECTION
19 19-4.1-506 AS A GENETIC PARENT OF THE CHILD AND THAT IDENTIFICATION
20 IS NOT SUCCESSFULLY CHALLENGED UNDER SECTION 19-4.1-506, THE
21 COURT SHALL ADJUDICATE THE PRESUMED PARENT TO BE A PARENT OF THE
22 CHILD; AND

23 (c) IF THE PRESUMED PARENT IS NOT IDENTIFIED UNDER SECTION
24 19-4.1-506 AS A GENETIC PARENT OF THE CHILD AND THE PRESUMED
25 PARENT OR THE WOMAN WHO GAVE BIRTH TO THE CHILD CHALLENGES THE
26 PRESUMED PARENT'S PARENTAGE OF THE CHILD, THE COURT SHALL
27 ADJUDICATE THE PARENTAGE OF THE CHILD IN THE BEST INTEREST OF THE

1 CHILD BASED ON THE FACTORS UNDER SECTION 19-4.1-613 (1) AND (2).
2 (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614 AND
3 SUBJECT TO OTHER LIMITATIONS IN THIS SUBPART 2, IF IN A PROCEEDING TO
4 ADJUDICATE A PRESUMED PARENT'S PARENTAGE OF A CHILD, ANOTHER
5 INDIVIDUAL IN ADDITION TO THE WOMAN WHO GAVE BIRTH TO THE CHILD
6 ASSERTS A CLAIM TO PARENTAGE OF THE CHILD, THE COURT SHALL
7 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

8 **19-4.1-609. Adjudicating claim of de facto parentage of child.**

9 (1) A PROCEEDING TO ESTABLISH PARENTAGE OF A CHILD UNDER THIS
10 SECTION MAY BE COMMENCED ONLY BY AN INDIVIDUAL WHO:

11 (a) IS ALIVE WHEN THE PROCEEDING IS COMMENCED; AND

12 (b) CLAIMS TO BE A DE FACTO PARENT OF THE CHILD.

13 (2) AN INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT OF A
14 CHILD MUST COMMENCE A PROCEEDING TO ESTABLISH PARENTAGE OF A
15 CHILD UNDER THIS SECTION:

16 (a) BEFORE THE CHILD ATTAINS EIGHTEEN YEARS OF AGE; AND

17 (b) WHILE THE CHILD IS ALIVE.

18 (3) THE FOLLOWING RULES GOVERN STANDING OF AN INDIVIDUAL
19 WHO CLAIMS TO BE A DE FACTO PARENT OF A CHILD TO MAINTAIN A
20 PROCEEDING UNDER THIS SECTION:

21 (a) THE INDIVIDUAL MUST FILE AN INITIAL VERIFIED PLEADING
22 ALLEGING SPECIFIC FACTS THAT SUPPORT THE CLAIM TO PARENTAGE OF
23 THE CHILD ASSERTED UNDER THIS SECTION. THE VERIFIED PLEADING MUST
24 BE SERVED ON ALL PARENTS AND LEGAL GUARDIANS OF THE CHILD AND
25 ANY OTHER PARTY TO THE PROCEEDING.

26 (b) AN ADVERSE PARTY, PARENT, OR LEGAL GUARDIAN MAY FILE
27 A PLEADING IN RESPONSE TO THE PLEADING FILED UNDER SUBSECTION

1 (3)(a) OF THIS SECTION. A RESPONSIVE PLEADING MUST BE VERIFIED AND
2 MUST BE SERVED ON PARTIES TO THE PROCEEDING.

3 (c) UNLESS THE COURT FINDS A HEARING IS NECESSARY TO
4 DETERMINE DISPUTED FACTS MATERIAL TO THE ISSUE OF STANDING, THE
5 COURT SHALL DETERMINE, BASED ON THE PLEADINGS UNDER SUBSECTIONS
6 (3)(a) AND (3)(b) OF THIS SECTION, WHETHER THE INDIVIDUAL HAS
7 ALLEGED FACTS SUFFICIENT TO SATISFY BY A PREPONDERANCE OF THE
8 EVIDENCE THE REQUIREMENTS OF SUBSECTIONS (4)(a) TO (4)(g) OF THIS
9 SECTION. IF THE COURT HOLDS A HEARING UNDER THIS SUBSECTION (3),
10 THE HEARING MUST BE HELD ON AN EXPEDITED BASIS.

11 (4) IN A PROCEEDING TO ADJUDICATE PARENTAGE OF AN
12 INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT OF THE CHILD, IF
13 THERE IS ONLY ONE OTHER INDIVIDUAL WHO IS A PARENT OR HAS A CLAIM
14 TO PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE THE
15 INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT TO BE A PARENT OF
16 THE CHILD IF THE INDIVIDUAL DEMONSTRATES BY CLEAR AND CONVINCING
17 EVIDENCE THAT:

18 (a) THE INDIVIDUAL RESIDED WITH THE CHILD AS A REGULAR
19 MEMBER OF THE CHILD'S HOUSEHOLD FOR A SIGNIFICANT PERIOD;

20 (b) THE INDIVIDUAL ENGAGED IN CONSISTENT CARETAKING OF THE
21 CHILD;

22 (c) THE INDIVIDUAL UNDERTOOK FULL AND PERMANENT
23 RESPONSIBILITIES OF A PARENT OF THE CHILD WITHOUT EXPECTATION OF
24 FINANCIAL COMPENSATION;

25 (d) THE INDIVIDUAL HELD OUT THE CHILD AS THE INDIVIDUAL'S
26 CHILD;

27 (e) THE INDIVIDUAL ESTABLISHED A BONDED AND DEPENDENT

1 RELATIONSHIP WITH THE CHILD THAT IS PARENTAL IN NATURE;

2 (f) ANOTHER PARENT OF THE CHILD FOSTERED OR SUPPORTED THE
3 BONDED AND DEPENDENT RELATIONSHIP REQUIRED UNDER SUBSECTION
4 (4)(e) OF THIS SECTION; AND

5 (g) CONTINUING THE RELATIONSHIP BETWEEN THE INDIVIDUAL AND
6 THE CHILD IS IN THE BEST INTEREST OF THE CHILD.

7 (5) SUBJECT TO OTHER LIMITATIONS IN THIS SUBPART 2, IF IN A
8 PROCEEDING TO ADJUDICATE PARENTAGE OF AN INDIVIDUAL WHO CLAIMS
9 TO BE A DE FACTO PARENT OF THE CHILD THERE IS MORE THAN ONE OTHER
10 INDIVIDUAL WHO IS A PARENT OR HAS A CLAIM TO PARENTAGE OF THE
11 CHILD AND THE COURT DETERMINES THAT THE REQUIREMENTS OF
12 SUBSECTION (4) OF THIS SECTION ARE SATISFIED, THE COURT SHALL
13 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

14 **19-4.1-610. Adjudicating parentage of child with acknowledged**
15 **parent.** (1) IF A CHILD HAS AN ACKNOWLEDGED PARENT, A PROCEEDING
16 TO CHALLENGE THE ACKNOWLEDGMENT OF PARENTAGE OR A DENIAL OF
17 PARENTAGE, BROUGHT BY A SIGNATORY TO THE ACKNOWLEDGMENT OR
18 DENIAL, IS GOVERNED BY SECTIONS 19-4.1-309 AND 19-4.1-310.

19 (2) IF A CHILD HAS AN ACKNOWLEDGED PARENT, THE FOLLOWING
20 RULES APPLY IN A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OF
21 PARENTAGE OR A DENIAL OF PARENTAGE BROUGHT BY AN INDIVIDUAL,
22 OTHER THAN THE CHILD, WHO HAS STANDING UNDER SECTION 19-4.1-602
23 AND WAS NOT A SIGNATORY TO THE ACKNOWLEDGMENT OR DENIAL:

24 (a) THE INDIVIDUAL MUST COMMENCE THE PROCEEDING NOT LATER
25 THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE ACKNOWLEDGMENT;

26 (b) THE COURT MAY PERMIT THE PROCEEDING ONLY IF THE COURT
27 FINDS PERMITTING THE PROCEEDING IS IN THE BEST INTEREST OF THE

1 CHILD; AND

2 (c) IF THE COURT PERMITS THE PROCEEDING, THE COURT SHALL
3 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

4 **19-4.1-611. Adjudicating parentage of child with adjudicated**
5 **parent.** (1) IF A CHILD HAS AN ADJUDICATED PARENT, A PROCEEDING TO
6 CHALLENGE THE ADJUDICATION, BROUGHT BY AN INDIVIDUAL WHO WAS A
7 PARTY TO THE ADJUDICATION OR WHO RECEIVED NOTICE UNDER SECTION
8 19-4.1-603, IS GOVERNED BY THE RULES GOVERNING A COLLATERAL
9 ATTACK ON A JUDGMENT.

10 (2) IF A CHILD HAS AN ADJUDICATED PARENT, THE FOLLOWING
11 RULES APPLY TO A PROCEEDING TO CHALLENGE THE ADJUDICATION OF
12 PARENTAGE BROUGHT BY AN INDIVIDUAL, OTHER THAN THE CHILD, WHO
13 HAS STANDING UNDER SECTION 19-4.1-602 AND WHO WAS NOT A PARTY TO
14 THE ADJUDICATION AND DID NOT RECEIVE NOTICE UNDER SECTION
15 19-4.1-603:

16 (a) THE INDIVIDUAL MUST COMMENCE THE PROCEEDING NOT LATER
17 THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE ADJUDICATION;

18 (b) THE COURT MAY PERMIT THE PROCEEDING ONLY IF THE COURT
19 FINDS PERMITTING THE PROCEEDING IS IN THE BEST INTEREST OF THE
20 CHILD; AND

21 (c) IF THE COURT PERMITS THE PROCEEDING, THE COURT SHALL
22 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

23 **19-4.1-612. Adjudicating parentage of child of assisted**
24 **reproduction.** (1) AN INDIVIDUAL WHO IS A PARENT UNDER PART 7 OF
25 THIS ARTICLE 4.1 OR THE WOMAN WHO GAVE BIRTH TO THE CHILD MAY
26 BRING A PROCEEDING TO ADJUDICATE PARENTAGE. IF THE COURT
27 DETERMINES THE INDIVIDUAL IS A PARENT UNDER PART 7 OF THIS ARTICLE

1 4.1, THE COURT SHALL ADJUDICATE THE INDIVIDUAL TO BE A PARENT OF
2 THE CHILD.

3 (2) IN A PROCEEDING TO ADJUDICATE AN INDIVIDUAL'S PARENTAGE
4 OF A CHILD, IF ANOTHER INDIVIDUAL OTHER THAN THE WOMAN WHO GAVE
5 BIRTH TO THE CHILD IS A PARENT UNDER PART 7 OF THIS ARTICLE 4.1, THE
6 COURT SHALL ADJUDICATE THE INDIVIDUAL'S PARENTAGE OF THE CHILD
7 UNDER SECTION 19-4.1-613.

8 **19-4.1-613. Adjudicating competing claims of parentage. (1)**
9 EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614, IN A
10 PROCEEDING TO ADJUDICATE COMPETING CLAIMS OF, OR CHALLENGES
11 UNDER SECTION 19-4.1-608 (3), 19-4.1-610, OR 19-4.1-611 TO,
12 PARENTAGE OF A CHILD BY TWO OR MORE INDIVIDUALS, THE COURT SHALL
13 ADJUDICATE PARENTAGE IN THE BEST INTEREST OF THE CHILD, BASED ON:

- 14 (a) THE AGE OF THE CHILD;
15 (b) THE LENGTH OF TIME DURING WHICH EACH INDIVIDUAL
16 ASSUMED THE ROLE OF PARENT OF THE CHILD;
17 (c) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND
18 EACH INDIVIDUAL;
19 (d) THE HARM TO THE CHILD IF THE RELATIONSHIP BETWEEN THE
20 CHILD AND EACH INDIVIDUAL IS NOT RECOGNIZED;
21 (e) THE BASIS FOR EACH INDIVIDUAL'S CLAIM TO PARENTAGE OF
22 THE CHILD; AND
23 (f) OTHER EQUITABLE FACTORS ARISING FROM THE DISRUPTION OF
24 THE RELATIONSHIP BETWEEN THE CHILD AND EACH INDIVIDUAL OR THE
25 LIKELIHOOD OF OTHER HARM TO THE CHILD.

26 (2) IF AN INDIVIDUAL CHALLENGES PARENTAGE BASED ON THE
27 RESULTS OF GENETIC TESTING, IN ADDITION TO THE FACTORS LISTED IN

1 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONSIDER:

2 (a) THE FACTS SURROUNDING THE DISCOVERY THE INDIVIDUAL
3 MIGHT NOT BE A GENETIC PARENT OF THE CHILD; AND

4 (b) THE LENGTH OF TIME BETWEEN THE TIME THAT THE INDIVIDUAL
5 WAS PLACED ON NOTICE THAT THE INDIVIDUAL MIGHT NOT BE A GENETIC
6 PARENT AND THE COMMENCEMENT OF THE PROCEEDING.

7 (3) THE COURT MAY ADJUDICATE A CHILD TO HAVE MORE THAN
8 TWO PARENTS UNDER THIS ARTICLE 4.1 IF THE COURT FINDS THAT FAILURE
9 TO RECOGNIZE MORE THAN TWO PARENTS WOULD BE DETRIMENTAL TO THE
10 CHILD. A FINDING OF DETRIMENT TO THE CHILD DOES NOT REQUIRE A
11 FINDING OF UNFITNESS OF ANY PARENT OR INDIVIDUAL SEEKING AN
12 ADJUDICATION OF PARENTAGE. IN DETERMINING DETRIMENT TO THE CHILD,
13 THE COURT SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING THE
14 HARM IF THE CHILD IS REMOVED FROM A STABLE PLACEMENT WITH AN
15 INDIVIDUAL WHO HAS FULFILLED THE CHILD'S PHYSICAL NEEDS AND
16 PSYCHOLOGICAL NEEDS FOR CARE AND AFFECTION AND HAS ASSUMED THE
17 ROLE FOR A SUBSTANTIAL PERIOD.

18 **19-4.1-614. Precluding establishment of parentage by**
19 **perpetrator of sexual assault - definition.** (1) AS USED IN THIS SECTION,
20 UNLESS THE CONTEXT OTHERWISE REQUIRES, "SEXUAL ASSAULT" MEANS
21 COMMISSION OF ANY OF THE FOLLOWING:

22 (a) SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402;

23 (b) UNLAWFUL SEXUAL CONTACT AS DESCRIBED IN SECTION
24 18-3-404;

25 (c) SEXUAL ASSAULT ON A CHILD AS DESCRIBED IN SECTION
26 18-3-405;

27 (d) SEXUAL ASSAULT ON A CHILD BY A PERSON IN A POSITION OF

1 TRUST AS DESCRIBED IN SECTION 18-3-405.3; OR

2 (d) AGGRAVATED SEXUAL ASSAULT ON A CLIENT BY A
3 PSYCHOTHERAPIST AS DESCRIBED IN SECTION 18-3-405.5 (1).

4 (2) IN A PROCEEDING IN WHICH A WOMAN ALLEGES THAT A MAN
5 COMMITTED A SEXUAL ASSAULT THAT RESULTED IN THE WOMAN GIVING
6 BIRTH TO A CHILD, THE WOMAN MAY SEEK TO PRECLUDE THE MAN FROM
7 ESTABLISHING THAT HE IS A PARENT OF THE CHILD.

8 (3) THIS SECTION DOES NOT APPLY IF:

9 (a) THE MAN DESCRIBED IN SUBSECTION (2) OF THIS SECTION HAS
10 PREVIOUSLY BEEN ADJUDICATED TO BE A PARENT OF THE CHILD; OR

11 (b) AFTER THE BIRTH OF THE CHILD, THE MAN ESTABLISHED A
12 BONDED AND DEPENDENT RELATIONSHIP WITH THE CHILD THAT IS
13 PARENTAL IN NATURE.

14 (4) UNLESS SECTION 19-4.1-309 OR 19-4.1-607 APPLIES, A WOMAN
15 MUST FILE A PLEADING MAKING AN ALLEGATION UNDER SUBSECTION (2) OF
16 THIS SECTION NOT LATER THAN TWO YEARS AFTER THE BIRTH OF THE
17 CHILD. THE WOMAN MAY FILE THE PLEADING ONLY IN A PROCEEDING TO
18 ESTABLISH PARENTAGE UNDER THIS ARTICLE 4.1.

19 (5) AN ALLEGATION UNDER SUBSECTION (2) OF THIS SECTION MAY
20 BE PROVED BY:

21 (a) EVIDENCE THAT THE MAN WAS CONVICTED OF A SEXUAL
22 ASSAULT, OR A COMPARABLE CRIME IN ANOTHER JURISDICTION, AGAINST
23 THE WOMAN AND THE CHILD WAS BORN NOT LATER THAN THREE HUNDRED
24 DAYS AFTER THE SEXUAL ASSAULT; OR

25 (b) CLEAR AND CONVINCING EVIDENCE THAT THE MAN COMMITTED
26 SEXUAL ASSAULT AGAINST THE WOMAN AND THE CHILD WAS BORN NOT
27 LATER THAN THREE HUNDRED DAYS AFTER THE SEXUAL ASSAULT.

1 (6) SUBJECT TO SUBSECTIONS (1) TO (4) OF THIS SECTION, IF THE
2 COURT DETERMINES THAT AN ALLEGATION HAS BEEN PROVED UNDER
3 SUBSECTION (5) OF THIS SECTION, THE COURT SHALL:

4 (a) ADJUDICATE THAT THE MAN DESCRIBED IN SUBSECTION (2) OF
5 THIS SECTION IS NOT A PARENT OF THE CHILD;

6 (b) REQUIRE THE STATE REGISTRAR TO AMEND THE BIRTH
7 CERTIFICATE IF REQUESTED BY THE WOMAN AND THE COURT DETERMINES
8 THAT THE AMENDMENT IS IN THE BEST INTEREST OF THE CHILD; AND

9 (c) REQUIRE THE MAN TO PAY CHILD SUPPORT, BIRTH-RELATED
10 COSTS, OR BOTH, UNLESS THE WOMAN REQUESTS OTHERWISE AND THE
11 COURT DETERMINES THAT GRANTING THE REQUEST IS IN THE BEST
12 INTEREST OF THE CHILD.

13 SUBPART 3

14 HEARING AND ADJUDICATION

15 **19-4.1-615. Temporary order.** (1) IN A PROCEEDING UNDER THIS
16 PART 6, THE COURT MAY ISSUE A TEMPORARY ORDER FOR CHILD SUPPORT
17 IF THE ORDER IS CONSISTENT WITH LAW OF THIS STATE OTHER THAN THIS
18 ARTICLE 4.1 AND THE INDIVIDUAL ORDERED TO PAY SUPPORT IS:

19 (a) A PRESUMED PARENT OF THE CHILD;

20 (b) PETITIONING TO BE ADJUDICATED A PARENT;

21 (c) IDENTIFIED AS A GENETIC PARENT THROUGH GENETIC TESTING
22 UNDER SECTION 19-4.1-506;

(d) AN ALLEGED GENETIC PARENT WHO HAS DECLINED TO SUBMIT
TO GENETIC TESTING;

25 (e) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE A PARENT
26 OF THE CHILD; OR

27 (f) A PARENT UNDER THIS ARTICLE 4.1.

1 (2) A TEMPORARY ORDER MAY INCLUDE A PROVISION FOR
2 CUSTODY AND PARENTING TIME UNDER LAW OF THIS STATE OTHER THAN
3 THIS ARTICLE 4.1. <{Changed to parenting time from visitation.}>

4 **19-4.1-616. Combining proceedings.** (1) EXCEPT AS OTHERWISE
5 PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE COURT MAY COMBINE
6 A PROCEEDING TO ADJUDICATE PARENTAGE UNDER THIS ARTICLE 4.1 WITH
7 A PROCEEDING FOR ADOPTION, TERMINATION OF PARENTAL RIGHTS, THE
8 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES, PARENTING
9 TIME, CHILD SUPPORT, DISSOLUTION, ANNULMENT, DECLARATION OF
10 INVALIDITY, LEGAL SEPARATION OR SEPARATE MAINTENANCE,
11 ADMINISTRATION OF AN ESTATE, OR OTHER APPROPRIATE PROCEEDING.
12 <{Removed child custody and replaced with allocation of parental
13 responsibility. Removed visitation and replaced with parenting time.}>

14 (2) A RESPONDENT MAY NOT COMBINE A PROCEEDING DESCRIBED
15 IN SUBSECTION (1) OF THIS SECTION WITH A PROCEEDING TO ADJUDICATE
16 PARENTAGE BROUGHT UNDER ARTICLE 5 OF TITLE 14.

17 **19-4.1-617. Proceeding before birth.** EXCEPT AS OTHERWISE
18 PROVIDED IN PART 8 OF THIS ARTICLE 4.1, A PROCEEDING TO ADJUDICATE
19 PARENTAGE MAY BE COMMENCED BEFORE THE BIRTH OF THE CHILD AND
20 AN ORDER OR JUDGMENT MAY BE ENTERED BEFORE BIRTH, BUT
21 ENFORCEMENT OF THE ORDER OR JUDGMENT MUST BE STAYED UNTIL THE
22 BIRTH OF THE CHILD.

23 **19-4.1-618. Child as party - representation.** (1) A MINOR CHILD
24 IS A PERMISSIVE PARTY BUT NOT A NECESSARY PARTY TO A PROCEEDING
25 UNDER THIS PART 6.

26 (2) THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO
27 REPRESENT A CHILD IN A PROCEEDING UNDER THIS PART 6 IF THE COURT

1 FINDS THAT THE INTERESTS OF THE CHILD ARE NOT ADEQUATELY
2 REPRESENTED.

3 **19-4.1-619. Court to adjudicate parentage.** THE COURT SHALL
4 ADJUDICATE PARENTAGE OF A CHILD WITHOUT A JURY.

5 **19-4.1-620. Hearing - inspection of records.** (1) ON REQUEST OF
6 A PARTY AND FOR GOOD CAUSE, THE COURT MAY CLOSE A PROCEEDING
7 UNDER THIS PART 6 TO THE PUBLIC.

8 (2) A FINAL ORDER IN A PROCEEDING UNDER THIS PART 6 IS
9 AVAILABLE FOR PUBLIC INSPECTION. NOTWITHSTANDING THE PROVISIONS
10 OF PART 2 OF ARTICLE 72 OF TITLE 24, OTHER PAPERS AND RECORDS ARE
11 AVAILABLE FOR PUBLIC INSPECTION ONLY WITH THE CONSENT OF THE
12 PARTIES OR BY COURT ORDER.

13 **19-4.1-621. Dismissal for want of prosecution.** THE COURT MAY
14 DISMISS A PROCEEDING UNDER THIS ARTICLE 4.1 FOR WANT OF
15 PROSECUTION ONLY WITHOUT PREJUDICE. AN ORDER OF DISMISSAL FOR
16 WANT OF PROSECUTION PURPORTEDLY WITH PREJUDICE IS VOID AND HAS
17 ONLY THE EFFECT OF A DISMISSAL WITHOUT PREJUDICE.

18 **19-4.1-622. Order adjudicating parentage.** (1) AN ORDER
19 ADJUDICATING PARENTAGE MUST IDENTIFY THE CHILD IN A MANNER
20 PROVIDED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1.

21 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
22 SECTION, THE COURT MAY ASSESS FILING FEES, REASONABLE ATTORNEY'S
23 FEES, FEES FOR GENETIC TESTING, OTHER COSTS, AND NECESSARY TRAVEL
24 AND OTHER REASONABLE EXPENSES INCURRED IN A PROCEEDING UNDER
25 THIS PART 6. ATTORNEY'S FEES AWARDED UNDER THIS SUBSECTION (2)
26 MAY BE PAID DIRECTLY TO THE ATTORNEY, AND THE ATTORNEY MAY
27 ENFORCE THE ORDER IN THE ATTORNEY'S OWN NAME.

1 (3) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES IN A
2 PROCEEDING UNDER THIS PART 6 AGAINST A CHILD SUPPORT AGENCY OF
3 THIS STATE OR ANOTHER STATE, EXCEPT AS PROVIDED BY LAW OF THIS
4 STATE OTHER THAN THIS ARTICLE 4.1.

5 (4) IN A PROCEEDING UNDER THIS PART 6, A COPY OF A BILL FOR
6 GENETIC TESTING OR PRENATAL OR POSTNATAL HEALTH CARE FOR THE
7 WOMAN WHO GAVE BIRTH TO THE CHILD AND THE CHILD, PROVIDED TO THE
8 ADVERSE PARTY NOT LATER THAN TEN DAYS BEFORE A HEARING, IS
9 ADMISSIBLE TO ESTABLISH:

10 (a) THE AMOUNT OF THE CHARGE BILLED; AND

11 (b) THAT THE CHARGE IS REASONABLE AND NECESSARY.

12 (5) ON REQUEST OF A PARTY AND FOR GOOD CAUSE, THE COURT IN
13 A PROCEEDING UNDER THIS PART 6 MAY ORDER THE NAME OF THE CHILD
14 CHANGED. IF THE COURT ORDER CHANGING THE NAME VARIES FROM THE
15 NAME ON THE BIRTH CERTIFICATE OF THE CHILD, THE COURT SHALL ORDER
16 THE STATE REGISTRAR TO ISSUE AN AMENDED BIRTH CERTIFICATE.

17 **19-4.1-623. Binding effect of determination of parentage. (1)**
18 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION:

19 (a) A SIGNATORY TO AN ACKNOWLEDGMENT OF PARENTAGE OR
20 DENIAL OF PARENTAGE IS BOUND BY THE ACKNOWLEDGMENT AND DENIAL
21 AS PROVIDED IN PART 3 OF THIS ARTICLE 4.1; AND

22 (b) A PARTY TO AN ADJUDICATION OF PARENTAGE BY A COURT
23 ACTING UNDER CIRCUMSTANCES THAT SATISFY THE JURISDICTION
24 REQUIREMENTS OF SECTION 14-5-201 AND ANY INDIVIDUAL WHO RECEIVED
25 NOTICE OF THE PROCEEDING ARE BOUND BY THE ADJUDICATION.

26 (2) A CHILD IS NOT BOUND BY A DETERMINATION OF PARENTAGE
27 UNDER THIS ARTICLE 4.1 UNLESS:

1 (a) THE DETERMINATION WAS BASED ON AN UNRESCINDED
2 ACKNOWLEDGMENT OF PARENTAGE AND THE ACKNOWLEDGMENT IS
3 CONSISTENT WITH THE RESULTS OF GENETIC TESTING;

4 (b) THE DETERMINATION WAS BASED ON A FINDING CONSISTENT
5 WITH THE RESULTS OF GENETIC TESTING, AND THE CONSISTENCY IS
6 DECLARED IN THE DETERMINATION OR OTHERWISE SHOWN;

7 (c) THE DETERMINATION OF PARENTAGE WAS MADE UNDER PART
8 7 OR 8 OF THIS ARTICLE 4.1; OR

9 (d) THE CHILD WAS A PARTY OR WAS REPRESENTED BY A
10 GUARDIAN AD LITEM IN THE PROCEEDING.

11 (3) IN A PROCEEDING FOR DISSOLUTION, ANNULMENT,
12 DECLARATION OF INVALIDITY, LEGAL SEPARATION, OR SEPARATE
13 MAINTENANCE, THE COURT IS DEEMED TO HAVE MADE AN ADJUDICATION
14 OF PARENTAGE OF A CHILD IF THE COURT ACTS UNDER CIRCUMSTANCES
15 THAT SATISFY THE JURISDICTION REQUIREMENTS OF SECTION 14-5-201 AND
16 THE FINAL ORDER:

17 (a) EXPRESSLY IDENTIFIES THE CHILD AS A "CHILD OF THE
18 MARRIAGE" OR "ISSUE OF THE MARRIAGE" OR INCLUDES SIMILAR WORDS
19 INDICATING THAT BOTH SPOUSES ARE PARENTS OF THE CHILD; OR

20 (b) PROVIDES FOR SUPPORT OF THE CHILD BY A SPOUSE UNLESS
21 THAT SPOUSE'S PARENTAGE IS DISCLAIMED SPECIFICALLY IN THE ORDER.

22 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
23 SECTION OR SECTION 19-4.1-611, A DETERMINATION OF PARENTAGE MAY
24 BE ASSERTED AS A DEFENSE IN A SUBSEQUENT PROCEEDING SEEKING TO
25 ADJUDICATE PARENTAGE OF AN INDIVIDUAL WHO WAS NOT A PARTY TO THE
26 EARLIER PROCEEDING.

27 (5) A PARTY TO AN ADJUDICATION OF PARENTAGE MAY CHALLENGE

1 THE ADJUDICATION ONLY UNDER LAW OF THIS STATE OTHER THAN THIS
2 ARTICLE 4.1 RELATING TO APPEAL, VACATION OF JUDGMENT, OR OTHER
3 JUDICIAL REVIEW.

4 PART 7
5 ASSISTED REPRODUCTION

6 **19-4.1-701. Scope of part.** THIS PART 7 DOES NOT APPLY TO THE
7 BIRTH OF A CHILD CONCEIVED BY SEXUAL INTERCOURSE OR ASSISTED
8 REPRODUCTION UNDER A SURROGACY AGREEMENT UNDER PART 8 OF THIS
9 ARTICLE 4.1.

10 **19-4.1-702. Parental status of donor.** A DONOR IS NOT A PARENT
11 OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION.

12 **19-4.1-703. Parentage of child of assisted reproduction.** AN
13 INDIVIDUAL WHO CONSENTS UNDER SECTION 19-4.1-704 TO ASSISTED
14 REPRODUCTION BY A WOMAN WITH THE INTENT TO BE A PARENT OF A
15 CHILD CONCEIVED BY THE ASSISTED REPRODUCTION IS A PARENT OF THE
16 CHILD.

17 **19-4.1-704. Consent to assisted reproduction.** (1) EXCEPT AS
18 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE CONSENT
19 DESCRIBED IN SECTION 19-4.1-703 MUST BE IN A RECORD SIGNED BY A
20 WOMAN GIVING BIRTH TO A CHILD CONCEIVED BY ASSISTED
21 REPRODUCTION AND AN INDIVIDUAL WHO INTENDS TO BE A PARENT OF THE
22 CHILD.

23 (2) FAILURE TO CONSENT IN A RECORD AS REQUIRED BY
24 SUBSECTION (1) OF THIS SECTION, BEFORE, ON, OR AFTER BIRTH OF THE
25 CHILD, DOES NOT PRECLUDE THE COURT FROM FINDING CONSENT TO
26 PARENTAGE IF:

27 (a) THE WOMAN OR THE INDIVIDUAL PROVES BY CLEAR AND

1 CONVINCING EVIDENCE THE EXISTENCE OF AN EXPRESS AGREEMENT
2 ENTERED INTO BEFORE CONCEPTION THAT THE INDIVIDUAL AND THE
3 WOMAN INTENDED THEY BOTH WOULD BE PARENTS OF THE CHILD; OR

4 (b) THE WOMAN AND THE INDIVIDUAL FOR THE FIRST TWO YEARS
5 OF THE CHILD'S LIFE, INCLUDING ANY PERIOD OF TEMPORARY ABSENCE,
6 RESIDED TOGETHER IN THE SAME HOUSEHOLD WITH THE CHILD AND BOTH
7 OPENLY HELD OUT THE CHILD AS THE INDIVIDUAL'S CHILD, UNLESS THE
8 INDIVIDUAL DIES OR BECOMES INCAPACITATED BEFORE THE CHILD ATTAINS
9 TWO YEARS OF AGE OR THE CHILD DIES BEFORE THE CHILD ATTAINS TWO
10 YEARS OF AGE, IN WHICH CASE THE COURT MAY FIND CONSENT UNDER THIS
11 SUBSECTION (2)(b) TO PARENTAGE IF A PARTY PROVES BY CLEAR AND
12 CONVINCING EVIDENCE THAT THE WOMAN AND THE INDIVIDUAL INTENDED
13 TO RESIDE TOGETHER IN THE SAME HOUSEHOLD WITH THE CHILD AND BOTH
14 INTENDED THE INDIVIDUAL WOULD OPENLY HOLD OUT THE CHILD AS THE
15 INDIVIDUAL'S CHILD, BUT THE INDIVIDUAL WAS PREVENTED FROM
16 CARRYING OUT THAT INTENT BY DEATH OR INCAPACITY.

17 **19-4.1-705. Limitation on spouse's dispute of parentage. (1)**
18 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, AN
19 INDIVIDUAL WHO, AT THE TIME OF A CHILD'S BIRTH, IS THE SPOUSE OF THE
20 WOMAN WHO GAVE BIRTH TO THE CHILD BY ASSISTED REPRODUCTION MAY
21 NOT CHALLENGE THE INDIVIDUAL'S PARENTAGE OF THE CHILD UNLESS:

22 (a) NOT LATER THAN TWO YEARS AFTER THE BIRTH OF THE CHILD,
23 THE INDIVIDUAL COMMENCES A PROCEEDING TO ADJUDICATE THE
24 INDIVIDUAL'S PARENTAGE OF THE CHILD; AND

25 (b) THE COURT FINDS THE INDIVIDUAL DID NOT CONSENT TO THE
26 ASSISTED REPRODUCTION, BEFORE, ON, OR AFTER BIRTH OF THE CHILD, OR
27 WITHDREW CONSENT UNDER SECTION 19-4.1-707.

1 (2) A PROCEEDING TO ADJUDICATE A SPOUSE'S PARENTAGE OF A
2 CHILD BORN BY ASSISTED REPRODUCTION MAY BE COMMENCED AT ANY
3 TIME IF THE COURT DETERMINES:

4 (a) THE SPOUSE NEITHER PROVIDED A GAMETE FOR, NOR
5 CONSENTED TO, THE ASSISTED REPRODUCTION;

6 (b) THE SPOUSE AND THE WOMAN WHO GAVE BIRTH TO THE CHILD
7 HAVE NOT COHABITED SINCE THE PROBABLE TIME OF ASSISTED
8 REPRODUCTION; AND

9 (c) THE SPOUSE NEVER OPENLY HELD OUT THE CHILD AS THE
10 SPOUSE'S CHILD.

11 (3) THIS SECTION APPLIES TO A SPOUSE'S DISPUTE OF PARENTAGE
12 EVEN IF THE SPOUSE'S MARRIAGE IS DECLARED INVALID AFTER ASSISTED
13 REPRODUCTION OCCURS.

14 **19-4.1-706. Effect of certain legal proceedings regarding**
15 **marriage.** IF A MARRIAGE OF A WOMAN WHO GIVES BIRTH TO A CHILD
16 CONCEIVED BY ASSISTED REPRODUCTION IS TERMINATED THROUGH
17 DISSOLUTION, SUBJECT TO LEGAL SEPARATION OR SEPARATE
18 MAINTENANCE, DECLARED INVALID, OR ANNULLED BEFORE TRANSFER OF
19 GAMETES OR EMBRYOS TO THE WOMAN, A FORMER SPOUSE OF THE WOMAN
20 IS NOT A PARENT OF THE CHILD UNLESS THE FORMER SPOUSE CONSENTED
21 IN A RECORD THAT THE FORMER SPOUSE WOULD BE A PARENT OF THE CHILD
22 IF ASSISTED REPRODUCTION WERE TO OCCUR AFTER A DISSOLUTION,
23 ANNULMENT, DECLARATION OF INVALIDITY, LEGAL SEPARATION, OR
24 SEPARATE MAINTENANCE, AND THE FORMER SPOUSE DID NOT WITHDRAW
25 CONSENT UNDER SECTION 19-4.1-707.

26 **19-4.1-707. Withdrawal of consent.** (1) AN INDIVIDUAL WHO
27 CONSENTS UNDER SECTION 19-4.1-704 TO ASSISTED REPRODUCTION MAY

1 WITHDRAW CONSENT ANY TIME BEFORE A TRANSFER THAT RESULTS IN A
2 PREGNANCY BY GIVING NOTICE IN A RECORD OF THE WITHDRAWAL OF
3 CONSENT TO THE WOMAN WHO AGREED TO GIVE BIRTH TO A CHILD
4 CONCEIVED BY ASSISTED REPRODUCTION AND TO ANY CLINIC OR HEALTH
5 CARE PROVIDER FACILITATING THE ASSISTED REPRODUCTION. FAILURE TO
6 GIVE NOTICE TO THE CLINIC OR HEALTH CARE PROVIDER DOES NOT AFFECT
7 A DETERMINATION OF PARENTAGE UNDER THIS ARTICLE 4.1.

8 (2) AN INDIVIDUAL WHO WITHDRAWS CONSENT UNDER
9 SUBSECTION (1) OF THIS SECTION IS NOT A PARENT OF THE CHILD UNDER
10 THIS PART 7.

11 **19-4.1-708. Parental status of deceased individual.** (1) IF AN
12 INDIVIDUAL WHO INTENDS TO BE A PARENT OF A CHILD CONCEIVED BY
13 ASSISTED REPRODUCTION DIES DURING THE PERIOD BETWEEN THE
14 TRANSFER OF A GAMETE OR EMBRYO AND THE BIRTH OF THE CHILD, THE
15 INDIVIDUAL'S DEATH DOES NOT PRECLUDE THE ESTABLISHMENT OF THE
16 INDIVIDUAL'S PARENTAGE OF THE CHILD IF THE INDIVIDUAL OTHERWISE
17 WOULD BE A PARENT OF THE CHILD UNDER THIS ARTICLE 4.1.

18 (2) IF AN INDIVIDUAL WHO CONSENTED IN A RECORD TO ASSISTED
19 REPRODUCTION BY A WOMAN WHO AGREED TO GIVE BIRTH TO A CHILD DIES
20 BEFORE A TRANSFER OF GAMETES OR EMBRYOS, THE DECEASED
21 INDIVIDUAL IS A PARENT OF A CHILD CONCEIVED BY THE ASSISTED
22 REPRODUCTION ONLY IF:

23 (a) EITHER:

24 (I) THE INDIVIDUAL CONSENTED IN A RECORD THAT IF ASSISTED
25 REPRODUCTION WERE TO OCCUR AFTER THE DEATH OF THE INDIVIDUAL,
26 THE INDIVIDUAL WOULD BE A PARENT OF THE CHILD; OR

27 (II) THE INDIVIDUAL'S INTENT TO BE A PARENT OF A CHILD

1 CONCEIVED BY ASSISTED REPRODUCTION AFTER THE INDIVIDUAL'S DEATH
2 IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE; AND

3 (b) EITHER:

4 (I) THE EMBRYO IS IN UTERO NOT LATER THAN THIRTY-SIX MONTHS
5 AFTER THE INDIVIDUAL'S DEATH; OR

6 (II) THE CHILD IS BORN NOT LATER THAN FORTY-FIVE MONTHS
7 AFTER THE INDIVIDUAL'S DEATH.

8 PART 8

9 SURROGACY REQUIREMENTS

10 SUBPART 1

11 GENERAL REQUIREMENTS

12 **19-4.1-801. Definitions.** IN THIS PART 8:

13 (1) "GENETIC SURROGATE" MEANS A WOMAN WHO IS NOT AN
14 INTENDED PARENT AND WHO AGREES TO BECOME PREGNANT THROUGH
15 ASSISTED REPRODUCTION USING HER OWN GAMETE UNDER A GENETIC
16 SURROGACY AGREEMENT AS PROVIDED IN THIS PART 8.

17 (2) "GESTATIONAL SURROGATE" MEANS A WOMAN WHO IS NOT AN
18 INTENDED PARENT AND WHO AGREES TO BECOME PREGNANT THROUGH
19 ASSISTED REPRODUCTION USING GAMETES THAT ARE NOT HER OWN UNDER
20 A GESTATIONAL SURROGACY AGREEMENT AS PROVIDED IN THIS PART 8.

21 (3) "SURROGACY AGREEMENT" MEANS AN AGREEMENT BETWEEN
22 ONE OR MORE INTENDED PARENTS AND A WOMAN WHO IS NOT AN
23 INTENDED PARENT IN WHICH THE WOMAN AGREES TO BECOME PREGNANT
24 THROUGH ASSISTED REPRODUCTION AND THAT PROVIDES THAT EACH
25 INTENDED PARENT IS A PARENT OF A CHILD CONCEIVED UNDER THE
26 AGREEMENT. UNLESS OTHERWISE SPECIFIED, THE TERM REFERS TO BOTH
27 A GESTATIONAL SURROGACY AGREEMENT AND A GENETIC SURROGACY

1 AGREEMENT.

2 **19-4.1-802. Eligibility to enter gestational or genetic surrogacy**

3 **agreement.** (1) TO EXECUTE AN AGREEMENT TO ACT AS A GESTATIONAL
4 OR GENETIC SURROGATE, A WOMAN MUST:

5 (a) HAVE ATTAINED TWENTY-ONE YEARS OF AGE;

6 (b) PREVIOUSLY HAVE GIVEN BIRTH TO AT LEAST ONE CHILD;

7 (c) COMPLETE A MEDICAL EVALUATION RELATED TO THE
8 SURROGACY ARRANGEMENT BY A LICENSED MEDICAL DOCTOR;

9 (d) COMPLETE A MENTAL HEALTH CONSULTATION BY A LICENSED
10 MENTAL HEALTH PROFESSIONAL; AND

11 (e) HAVE INDEPENDENT LEGAL REPRESENTATION OF HER CHOICE
12 THROUGHOUT THE SURROGACY ARRANGEMENT REGARDING THE TERMS OF
13 THE SURROGACY AGREEMENT AND THE POTENTIAL LEGAL CONSEQUENCES
14 OF THE AGREEMENT.

15 (2) TO EXECUTE A SURROGACY AGREEMENT, EACH INTENDED
16 PARENT, WHETHER OR NOT GENETICALLY RELATED TO THE CHILD, MUST:

17 (a) HAVE ATTAINED TWENTY-ONE YEARS OF AGE;

18 (b) COMPLETE A MEDICAL EVALUATION RELATED TO THE
19 SURROGACY ARRANGEMENT BY A LICENSED MEDICAL DOCTOR;

20 (c) COMPLETE A MENTAL HEALTH CONSULTATION BY A LICENSED
21 MENTAL HEALTH PROFESSIONAL; AND

22 (d) HAVE INDEPENDENT LEGAL REPRESENTATION OF THE INTENDED
23 PARENT'S CHOICE THROUGHOUT THE SURROGACY ARRANGEMENT
24 REGARDING THE TERMS OF THE SURROGACY AGREEMENT AND THE
25 POTENTIAL LEGAL CONSEQUENCES OF THE AGREEMENT.

26 **19-4.1-803. Requirements of gestational or genetic surrogacy**

27 **agreement - process.** (1) A SURROGACY AGREEMENT MUST BE EXECUTED

1 IN COMPLIANCE WITH THE FOLLOWING RULES:

2 (a) AT LEAST ONE PARTY MUST BE A RESIDENT OF THIS STATE OR,
3 IF NO PARTY IS A RESIDENT OF THIS STATE, AT LEAST ONE MEDICAL
4 EVALUATION OR PROCEDURE OR MENTAL HEALTH CONSULTATION UNDER
5 THE AGREEMENT MUST OCCUR IN THIS STATE;

6 (b) A SURROGATE AND EACH INTENDED PARENT MUST MEET THE
7 REQUIREMENTS OF SECTION 19-4.1-802;

8 (c) EACH INTENDED PARENT, THE SURROGATE, AND THE
9 SURROGATE'S SPOUSE, IF ANY, MUST BE PARTIES TO THE AGREEMENT;

10 (d) THE AGREEMENT MUST BE IN A RECORD SIGNED BY EACH PARTY
11 LISTED IN SUBSECTION (1)(c) OF THIS SECTION;

12 (e) THE SURROGATE AND EACH INTENDED PARENT MUST
13 ACKNOWLEDGE IN A RECORD RECEIPT OF A COPY OF THE AGREEMENT;

14 (f) THE SIGNATURE OF EACH PARTY TO THE AGREEMENT MUST BE
15 ATTESTED BY A NOTARIAL OFFICER OR WITNESSED;

16 (g) THE SURROGATE AND THE INTENDED PARENT OR PARENTS MUST
17 HAVE INDEPENDENT LEGAL REPRESENTATION THROUGHOUT THE
18 SURROGACY ARRANGEMENT REGARDING THE TERMS OF THE SURROGACY
19 AGREEMENT AND THE POTENTIAL LEGAL CONSEQUENCES OF THE
20 AGREEMENT, AND EACH COUNSEL MUST BE IDENTIFIED IN THE SURROGACY
21 AGREEMENT;

22 (h) THE INTENDED PARENT OR PARENTS MUST PAY FOR
23 INDEPENDENT LEGAL REPRESENTATION FOR THE SURROGATE; AND

24 (i) THE AGREEMENT MUST BE EXECUTED BEFORE A MEDICAL
25 PROCEDURE OCCURS RELATED TO THE SURROGACY AGREEMENT, OTHER
26 THAN THE MEDICAL EVALUATION AND MENTAL HEALTH CONSULTATION
27 REQUIRED BY SECTION 19-4.1-802.

1 **19-4.1-804. Requirements of gestational or genetic surrogacy**

2 **agreement - content.** (1) A SURROGACY AGREEMENT MUST COMPLY WITH
3 THE FOLLOWING REQUIREMENTS:

4 (a) A SURROGATE AGREES TO ATTEMPT TO BECOME PREGNANT BY
5 MEANS OF ASSISTED REPRODUCTION;

6 (b) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-811,
7 19-4.1-814, AND 19-4.1-815, THE SURROGATE AND THE SURROGATE'S
8 SPOUSE OR FORMER SPOUSE, IF ANY, HAVE NO CLAIM TO PARENTAGE OF A
9 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT;

10 (c) THE SURROGATE'S SPOUSE, IF ANY, MUST ACKNOWLEDGE AND
11 AGREE TO COMPLY WITH THE OBLIGATIONS IMPOSED ON THE SURROGATE
12 BY THE AGREEMENT;

13 (d) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-811,
14 19-4.1-814, AND 19-4.1-815, THE INTENDED PARENT OR, IF THERE ARE
15 TWO INTENDED PARENTS, EACH ONE JOINTLY AND SEVERALLY,
16 IMMEDIATELY ON BIRTH WILL BE THE EXCLUSIVE PARENT OR PARENTS OF
17 THE CHILD, REGARDLESS OF NUMBER OF CHILDREN BORN OR GENDER OR
18 MENTAL OR PHYSICAL CONDITION OF EACH CHILD;

19 (e) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-811,
20 19-4.1-814, AND 19-4.1-815, THE INTENDED PARENT OR, IF THERE ARE
21 TWO INTENDED PARENTS, EACH PARENT JOINTLY AND SEVERALLY,
22 IMMEDIATELY ON BIRTH WILL ASSUME RESPONSIBILITY FOR THE FINANCIAL
23 SUPPORT OF THE CHILD, REGARDLESS OF NUMBER OF CHILDREN BORN OR
24 GENDER OR MENTAL OR PHYSICAL CONDITION OF EACH CHILD;

25 (f) THE AGREEMENT MUST INCLUDE INFORMATION DISCLOSING
26 HOW EACH INTENDED PARENT WILL COVER THE SURROGACY-RELATED
27 EXPENSES OF THE SURROGATE AND THE MEDICAL EXPENSES OF THE CHILD.

1 IF HEALTH CARE COVERAGE IS USED TO COVER THE MEDICAL EXPENSES,
2 THE DISCLOSURE MUST INCLUDE A SUMMARY OF THE HEALTH CARE POLICY
3 PROVISIONS RELATED TO COVERAGE FOR SURROGATE PREGNANCY,
4 INCLUDING ANY POSSIBLE LIABILITY OF THE SURROGATE,
5 THIRD-PARTY-LIABILITY LIENS, OTHER INSURANCE COVERAGE, AND ANY
6 NOTICE REQUIREMENT THAT COULD AFFECT COVERAGE OR LIABILITY OF
7 THE SURROGATE. UNLESS THE AGREEMENT EXPRESSLY PROVIDES
8 OTHERWISE, THE REVIEW AND DISCLOSURE DO NOT CONSTITUTE LEGAL
9 ADVICE. IF THE EXTENT OF COVERAGE IS UNCERTAIN, A STATEMENT OF
10 THAT FACT IS SUFFICIENT TO COMPLY WITH THIS SUBSECTION (1)(f).

11 (g) THE AGREEMENT MUST PERMIT THE SURROGATE TO MAKE ALL
12 HEALTH AND WELFARE DECISIONS REGARDING HERSELF AND HER
13 PREGNANCY. THIS ARTICLE 4.1 DOES NOT ENLARGE OR DIMINISH THE
14 SURROGATE'S RIGHT TO TERMINATE HER PREGNANCY.

15 (h) THE AGREEMENT MUST INCLUDE INFORMATION ABOUT EACH
16 PARTY'S RIGHT UNDER THIS PART 8 TO TERMINATE THE SURROGACY
17 AGREEMENT.

18 (2) A SURROGACY AGREEMENT MAY PROVIDE FOR:

19 (a) PAYMENT OF CONSIDERATION AND REASONABLE EXPENSES;

20 AND

21 (b) REIMBURSEMENT OF SPECIFIC EXPENSES IF THE AGREEMENT IS
22 TERMINATED UNDER THIS PART 8.

23 (3) A RIGHT CREATED UNDER A SURROGACY AGREEMENT IS NOT
24 ASSIGNABLE AND THERE IS NO THIRD-PARTY BENEFICIARY OF THE
25 AGREEMENT OTHER THAN THE CHILD.

26 **19-4.1-805. Surrogacy agreement - effect of subsequent change**
27 **of marital status.** (1) UNLESS A SURROGACY AGREEMENT EXPRESSLY

1 PROVIDES OTHERWISE:

2 (a) THE MARRIAGE OF A SURROGATE AFTER THE AGREEMENT IS
3 SIGNED BY ALL PARTIES DOES NOT AFFECT THE VALIDITY OF THE
4 AGREEMENT, HER SPOUSE'S CONSENT TO THE AGREEMENT IS NOT
5 REQUIRED, AND HER SPOUSE IS NOT A PRESUMED PARENT OF A CHILD
6 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT; AND

7 (b) THE DISSOLUTION, ANNULMENT, DECLARATION OF INVALIDITY,
8 LEGAL SEPARATION, OR SEPARATE MAINTENANCE OF THE SURROGATE
9 AFTER THE AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE
10 VALIDITY OF THE AGREEMENT.

11 (2) UNLESS A SURROGACY AGREEMENT EXPRESSLY PROVIDES
12 OTHERWISE:

13 (a) THE MARRIAGE OF AN INTENDED PARENT AFTER THE
14 AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE VALIDITY OF
15 A SURROGACY AGREEMENT, THE CONSENT OF THE SPOUSE OF THE
16 INTENDED PARENT IS NOT REQUIRED, AND THE SPOUSE OF THE INTENDED
17 PARENT IS NOT, BASED ON THE AGREEMENT, A PARENT OF A CHILD
18 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT; AND

19 (b) THE DISSOLUTION, ANNULMENT, DECLARATION OF INVALIDITY,
20 LEGAL SEPARATION, OR SEPARATE MAINTENANCE OF AN INTENDED PARENT
21 AFTER THE AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE
22 VALIDITY OF THE AGREEMENT AND, EXCEPT AS OTHERWISE PROVIDED IN
23 SECTION 19-4.1-814, THE INTENDED PARENTS ARE THE PARENTS OF THE
24 CHILD.

25 **19-4.1-806. Inspection of documents.** NOTWITHSTANDING THE
26 PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, UNLESS THE COURT
27 ORDERS OTHERWISE, A PETITION AND ANY OTHER DOCUMENT RELATED TO

1 A SURROGACY AGREEMENT FILED WITH THE COURT UNDER THIS SUBPART
2 1 ARE NOT OPEN TO INSPECTION BY ANY INDIVIDUAL OTHER THAN THE
3 PARTIES TO THE PROCEEDING, OR A CHILD CONCEIVED BY ASSISTED
4 REPRODUCTION UNDER THE AGREEMENT, OR ANY OF THEIR ATTORNEYS. A
5 COURT MAY NOT AUTHORIZE AN INDIVIDUAL TO INSPECT A DOCUMENT
6 RELATED TO THE AGREEMENT, UNLESS REQUIRED BY EXIGENT
7 CIRCUMSTANCES. THE INDIVIDUAL SEEKING TO INSPECT THE DOCUMENT
8 MAY BE REQUIRED TO PAY THE EXPENSE OF PREPARING A COPY OF THE
9 DOCUMENT TO BE INSPECTED.

10 **19-4.1-807. Exclusive, continuing jurisdiction.** DURING THE
11 PERIOD AFTER THE EXECUTION OF A SURROGACY AGREEMENT UNTIL
12 NINETY DAYS AFTER THE BIRTH OF A CHILD CONCEIVED BY ASSISTED
13 REPRODUCTION UNDER THE AGREEMENT, A COURT OF THIS STATE
14 CONDUCTING A PROCEEDING UNDER THIS ARTICLE 4.1 HAS EXCLUSIVE,
15 CONTINUING JURISDICTION OVER ALL MATTERS ARISING OUT OF THE
16 AGREEMENT. THIS SECTION DOES NOT GIVE THE COURT JURISDICTION OVER
17 A CHILD CUSTODY OR CHILD SUPPORT PROCEEDING IF JURISDICTION IS NOT
18 OTHERWISE AUTHORIZED BY LAW OF THIS STATE OTHER THAN THIS
19 ARTICLE 4.1.

20 SUBPART 2
21 SPECIAL RULES FOR GESTATIONAL
22 SURROGACY AGREEMENT

23 **19-4.1-808. Termination of gestational surrogacy agreement.**

24 (1) A PARTY TO A GESTATIONAL SURROGACY AGREEMENT MAY
25 TERMINATE THE AGREEMENT, AT ANY TIME BEFORE AN EMBRYO TRANSFER,
26 BY GIVING NOTICE OF TERMINATION IN A RECORD TO ALL OTHER PARTIES.
27 IF AN EMBRYO TRANSFER DOES NOT RESULT IN A PREGNANCY, A PARTY

1 MAY TERMINATE THE AGREEMENT AT ANY TIME BEFORE A SUBSEQUENT
2 EMBRYO TRANSFER.

3 (2) UNLESS A GESTATIONAL SURROGACY AGREEMENT PROVIDES
4 OTHERWISE, ON TERMINATION OF THE AGREEMENT UNDER SUBSECTION (1)
5 OF THIS SECTION, THE PARTIES ARE RELEASED FROM THE AGREEMENT;
6 EXCEPT THAT EACH INTENDED PARENT REMAINS RESPONSIBLE FOR
7 EXPENSES THAT ARE REIMBURSABLE UNDER THE AGREEMENT AND
8 INCURRED BY THE GESTATIONAL SURROGATE THROUGH THE DATE OF
9 TERMINATION.

10 (3) EXCEPT IN A CASE INVOLVING FRAUD, NEITHER A GESTATIONAL
11 SURROGATE NOR THE SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS
12 LIABLE TO THE INTENDED PARENT OR PARENTS FOR A PENALTY OR
13 LIQUIDATED DAMAGES FOR TERMINATING A GESTATIONAL SURROGACY
14 AGREEMENT UNDER THIS SECTION.

15 **19-4.1-809. Parentage under gestational surrogacy agreement.**

16 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION
17 OR SECTION 19-4.1-810 (2) OR 19-4.1-812, ON BIRTH OF A CHILD
18 CONCEIVED BY ASSISTED REPRODUCTION UNDER A GESTATIONAL
19 SURROGACY AGREEMENT, EACH INTENDED PARENT IS, BY OPERATION OF
20 LAW, A PARENT OF THE CHILD.

21 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
22 SECTION OR SECTION 19-4.1-812, NEITHER A GESTATIONAL SURROGATE
23 NOR THE SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS A PARENT OF
24 THE CHILD.

25 (3) IF A CHILD IS ALLEGED TO BE A GENETIC CHILD OF THE WOMAN
26 WHO AGREED TO BE A GESTATIONAL SURROGATE, THE COURT SHALL ORDER
27 GENETIC TESTING OF THE CHILD. IF THE CHILD IS A GENETIC CHILD OF THE

1 WOMAN WHO AGREED TO BE A GESTATIONAL SURROGATE, PARENTAGE
2 MUST BE DETERMINED BASED ON PARTS 1 TO 6 OF THIS ARTICLE 4.1.

3 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
4 SECTION OR SECTION 19-4.1-810(2) OR 19-4.1-812, IF, DUE TO A CLINICAL
5 OR LABORATORY ERROR, A CHILD CONCEIVED BY ASSISTED REPRODUCTION
6 UNDER A GESTATIONAL SURROGACY AGREEMENT IS NOT GENETICALLY
7 RELATED TO AN INTENDED PARENT OR A DONOR WHO DONATED TO THE
8 INTENDED PARENT OR PARENTS, EACH INTENDED PARENT, AND NOT THE
9 GESTATIONAL SURROGATE AND THE SURROGATE'S SPOUSE OR FORMER
10 SPOUSE, IF ANY, IS A PARENT OF THE CHILD, SUBJECT TO ANY OTHER CLAIM
11 OF PARENTAGE.

12 **19-4.1-810. Gestational surrogacy agreement - parentage of**
13 **deceased intended parent.** (1) SECTION 19-4.1-809 APPLIES TO AN
14 INTENDED PARENT EVEN IF THE INTENDED PARENT DIED DURING THE
15 PERIOD BETWEEN THE TRANSFER OF A GAMETE OR EMBRYO AND THE BIRTH
16 OF THE CHILD.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-812, AN
18 INTENDED PARENT IS NOT A PARENT OF A CHILD CONCEIVED BY ASSISTED
19 REPRODUCTION UNDER A GESTATIONAL SURROGACY AGREEMENT IF THE
20 INTENDED PARENT DIES BEFORE THE TRANSFER OF A GAMETE OR EMBRYO
21 UNLESS:

22 (a) THE AGREEMENT PROVIDES OTHERWISE; AND

23 (b) THE TRANSFER OF A GAMETE OR EMBRYO OCCURS NOT LATER
24 THAN THIRTY-SIX MONTHS AFTER THE DEATH OF THE INTENDED PARENT OR
25 BIRTH OF THE CHILD OCCURS NOT LATER THAN FORTY-FIVE MONTHS AFTER
26 THE DEATH OF THE INTENDED PARENT.

27 **19-4.1-811. Gestational surrogacy agreement - order of**

1 **parentage.** (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-809
2 (3) OR 19-4.1-812, BEFORE, ON, OR AFTER THE BIRTH OF A CHILD
3 CONCEIVED BY ASSISTED REPRODUCTION UNDER A GESTATIONAL
4 SURROGACY AGREEMENT, A PARTY TO THE AGREEMENT MAY COMMENCE
5 A PROCEEDING IN THE JUVENILE COURT FOR AN ORDER OR JUDGMENT:

6 (a) DECLARING THAT EACH INTENDED PARENT IS A PARENT OF THE
7 CHILD AND ORDERING THAT PARENTAL RIGHTS AND DUTIES VEST
8 IMMEDIATELY ON THE BIRTH OF THE CHILD EXCLUSIVELY IN EACH
9 INTENDED PARENT;

10 (b) DECLARING THAT THE GESTATIONAL SURROGATE AND THE
11 SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, ARE NOT THE PARENTS
12 OF THE CHILD;

13 (c) DESIGNATING THE CONTENT OF THE BIRTH RECORD IN
14 ACCORDANCE WITH ARTICLE 2 OF TITLE 25 AND DIRECTING THE STATE
15 REGISTRAR TO DESIGNATE EACH INTENDED PARENT AS A PARENT OF THE
16 CHILD;

17 (d) TO PROTECT THE PRIVACY OF THE CHILD AND THE PARTIES,
18 DECLARING THAT THE COURT RECORD IS NOT OPEN TO INSPECTION EXCEPT
19 AS AUTHORIZED UNDER SECTION 19-4.1-806;

20 (e) IF NECESSARY, THAT THE CHILD BE SURRENDERED TO THE
21 INTENDED PARENT OR PARENTS; AND

22 (f) FOR OTHER RELIEF THE COURT DETERMINES NECESSARY AND
23 PROPER.

24 (2) THE COURT MAY ISSUE AN ORDER OR JUDGMENT UNDER
25 SUBSECTION (1) OF THIS SECTION BEFORE THE BIRTH OF THE CHILD. THE
26 COURT SHALL STAY ENFORCEMENT OF THE ORDER OR JUDGMENT UNTIL THE
27 BIRTH OF THE CHILD.

1 (3) NEITHER THIS STATE NOR THE STATE REGISTRAR IS A
2 NECESSARY PARTY TO A PROCEEDING UNDER SUBSECTION (1) OF THIS
3 SECTION.

4 **19-4.1-812. Effect of gestational surrogacy agreement.** (1) A
5 GESTATIONAL SURROGACY AGREEMENT THAT COMPLIES WITH SECTIONS
6 19-4.1-802, 19-4.1-803, AND 19-4.1-804 IS ENFORCEABLE.

7 (2) IF A CHILD WAS CONCEIVED BY ASSISTED REPRODUCTION
8 UNDER A GESTATIONAL SURROGACY AGREEMENT THAT DOES NOT COMPLY
9 WITH SECTIONS 19-4.1-802, 19-4.1-803, AND 19-4.1-804, THE COURT
10 SHALL DETERMINE THE RIGHTS AND DUTIES OF THE PARTIES TO THE
11 AGREEMENT CONSISTENT WITH THE INTENT OF THE PARTIES AT THE TIME
12 OF EXECUTION OF THE AGREEMENT. EACH PARTY TO THE AGREEMENT AND
13 ANY INDIVIDUAL WHO AT THE TIME OF THE EXECUTION OF THE AGREEMENT
14 WAS A SPOUSE OF A PARTY TO THE AGREEMENT HAS STANDING TO
15 MAINTAIN A PROCEEDING TO ADJUDICATE AN ISSUE RELATED TO THE
16 ENFORCEMENT OF THE AGREEMENT.

17 (3) EXCEPT AS EXPRESSLY PROVIDED IN A GESTATIONAL
18 SURROGACY AGREEMENT OR SUBSECTION (4) OR (5) OF THIS SECTION, IF
19 THE AGREEMENT IS BREACHED BY THE GESTATIONAL SURROGATE OR ONE
20 OR MORE INTENDED PARENTS, THE NON-BREACHING PARTY IS ENTITLED TO
21 THE REMEDIES AVAILABLE AT LAW OR IN EQUITY.

22 (4) SPECIFIC PERFORMANCE IS NOT A REMEDY AVAILABLE FOR
23 BREACH BY A GESTATIONAL SURROGATE OF A PROVISION IN THE
24 AGREEMENT THAT THE GESTATIONAL SURROGATE BE IMPREGNATED,
25 TERMINATE OR NOT TERMINATE A PREGNANCY, OR SUBMIT TO MEDICAL
26 PROCEDURES.

27 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS

1 SECTION, IF AN INTENDED PARENT IS DETERMINED TO BE A PARENT OF THE
2 CHILD, SPECIFIC PERFORMANCE IS A REMEDY AVAILABLE FOR:

3 (a) BREACH OF THE AGREEMENT BY A GESTATIONAL SURROGATE
4 THAT PREVENTS THE INTENDED PARENT FROM EXERCISING IMMEDIATELY
5 ON BIRTH OF THE CHILD THE FULL RIGHTS OF PARENTAGE; OR

6 (b) BREACH BY THE INTENDED PARENT THAT PREVENTS THE
7 INTENDED PARENT'S ACCEPTANCE, IMMEDIATELY ON BIRTH OF THE CHILD
8 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT, OF THE
9 DUTIES OF PARENTAGE.

10 SUBPART 3
11 SPECIAL RULES FOR GENETIC
12 SURROGACY AGREEMENT

13 **19-4.1-813. Requirements to validate genetic surrogacy**
14 **agreement.** (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-816,
15 TO BE ENFORCEABLE, A GENETIC SURROGACY AGREEMENT MUST BE
16 VALIDATED BY THE JUVENILE COURT. A PROCEEDING TO VALIDATE THE
17 AGREEMENT MUST BE COMMENCED BEFORE ASSISTED REPRODUCTION
18 RELATED TO THE SURROGACY AGREEMENT.

19 (2) THE COURT SHALL ISSUE AN ORDER VALIDATING A GENETIC
20 SURROGACY AGREEMENT IF THE COURT FINDS THAT:

21 (a) SECTIONS 19-4.1-802, 19-4.1-803, AND 19-4.1-804 ARE
22 SATISFIED; AND

23 (b) ALL PARTIES ENTERED INTO THE AGREEMENT VOLUNTARILY
24 AND UNDERSTAND ITS TERMS.

25 (3) AN INDIVIDUAL WHO TERMINATES UNDER SECTION 19-4.1-814
26 A GENETIC SURROGACY AGREEMENT SHALL FILE NOTICE OF THE
27 TERMINATION WITH THE COURT. ON RECEIPT OF THE NOTICE, THE COURT

1 SHALL VACATE ANY ORDER ISSUED UNDER SUBSECTION (2) OF THIS
2 SECTION. AN INDIVIDUAL WHO DOES NOT NOTIFY THE COURT OF THE
3 TERMINATION OF THE AGREEMENT IS SUBJECT TO SANCTIONS.

4 **19-4.1-814. Termination of genetic surrogacy agreement.** (1) A
5 PARTY TO A GENETIC SURROGACY AGREEMENT MAY TERMINATE THE
6 AGREEMENT AS FOLLOWS:

7 (a) AN INTENDED PARENT WHO IS A PARTY TO THE AGREEMENT
8 MAY TERMINATE THE AGREEMENT AT ANY TIME BEFORE A GAMETE OR
9 EMBRYO TRANSFER BY GIVING NOTICE OF TERMINATION IN A RECORD TO
10 ALL OTHER PARTIES. IF A GAMETE OR EMBRYO TRANSFER DOES NOT RESULT
11 IN A PREGNANCY, A PARTY MAY TERMINATE THE AGREEMENT AT ANY TIME
12 BEFORE A SUBSEQUENT GAMETE OR EMBRYO TRANSFER. THE NOTICE OF
13 TERMINATION MUST BE ATTESTED BY A NOTARIAL OFFICER OR WITNESSED.

14 (b) A GENETIC SURROGATE WHO IS A PARTY TO THE AGREEMENT
15 MAY WITHDRAW CONSENT TO THE AGREEMENT ANY TIME BEFORE
16 SEVENTY-TWO HOURS AFTER THE BIRTH OF A CHILD CONCEIVED BY
17 ASSISTED REPRODUCTION UNDER THE AGREEMENT. TO WITHDRAW
18 CONSENT, THE GENETIC SURROGATE MUST EXECUTE A NOTICE OF
19 TERMINATION IN A RECORD STATING THE SURROGATE'S INTENT TO
20 TERMINATE THE AGREEMENT. THE NOTICE OF TERMINATION MUST BE
21 ATTESTED BY A NOTARIAL OFFICER OR WITNESSED AND BE DELIVERED TO
22 EACH INTENDED PARENT ANY TIME BEFORE SEVENTY-TWO HOURS AFTER
23 THE BIRTH OF THE CHILD.

24 (2) ON TERMINATION OF THE GENETIC SURROGACY AGREEMENT
25 UNDER SUBSECTION (1) OF THIS SECTION, THE PARTIES ARE RELEASED
26 FROM ALL OBLIGATIONS UNDER THE AGREEMENT EXCEPT THAT EACH
27 INTENDED PARENT REMAINS RESPONSIBLE FOR ALL EXPENSES INCURRED BY

1 THE SURROGATE THROUGH THE DATE OF TERMINATION THAT ARE
2 REIMBURSABLE UNDER THE AGREEMENT. UNLESS THE AGREEMENT
3 PROVIDES OTHERWISE, THE SURROGATE IS NOT ENTITLED TO ANY
4 NON-EXPENSE-RELATED COMPENSATION PAID FOR SERVING AS A
5 SURROGATE.

6 (3) EXCEPT IN A CASE INVOLVING FRAUD, NEITHER A GENETIC
7 SURROGATE NOR THE SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS
8 LIABLE TO THE INTENDED PARENT OR PARENTS FOR A PENALTY OR
9 LIQUIDATED DAMAGES FOR TERMINATING A GENETIC SURROGACY
10 AGREEMENT UNDER THIS SECTION.

11 **19-4.1-815. Parentage under validated genetic surrogacy**
12 **agreement.** (1) UNLESS A GENETIC SURROGATE EXERCISES THE RIGHT
13 UNDER SECTION 19-4.1-814 TO TERMINATE A GENETIC SURROGACY
14 AGREEMENT, EACH INTENDED PARENT IS A PARENT OF A CHILD CONCEIVED
15 BY ASSISTED REPRODUCTION UNDER AN AGREEMENT VALIDATED UNDER
16 SECTION 19-4.1-813.

17 (2) UNLESS A GENETIC SURROGATE EXERCISES THE RIGHT UNDER
18 SECTION 19-4.1-814 TO TERMINATE THE GENETIC SURROGACY
19 AGREEMENT, ON PROOF OF A COURT ORDER ISSUED UNDER SECTION
20 19-4.1-813 VALIDATING THE AGREEMENT, THE COURT SHALL MAKE AN
21 ORDER:

22 (a) DECLARING THAT EACH INTENDED PARENT IS A PARENT OF A
23 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT
24 AND ORDERING THAT PARENTAL RIGHTS AND DUTIES VEST EXCLUSIVELY
25 IN EACH INTENDED PARENT;

26 (b) DECLARING THAT THE GENETIC SURROGATE AND THE
27 SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, ARE NOT PARENTS OF

1 THE CHILD;

2 (c) DESIGNATING THE CONTENTS OF THE BIRTH CERTIFICATE IN
3 ACCORDANCE WITH ARTICLE 2 OF TITLE 25 AND DIRECTING THE STATE
4 REGISTRAR TO DESIGNATE EACH INTENDED PARENT AS A PARENT OF THE
5 CHILD;

6 (d) TO PROTECT THE PRIVACY OF THE CHILD AND THE PARTIES,
7 DECLARING THAT THE COURT RECORD IS NOT OPEN TO INSPECTION EXCEPT
8 AS AUTHORIZED UNDER SECTION 19-4.1-806;

9 (e) IF NECESSARY, THAT THE CHILD BE SURRENDERED TO THE
10 INTENDED PARENT OR PARENTS; AND

11 (f) FOR OTHER RELIEF THE COURT DETERMINES NECESSARY AND
12 PROPER.

13 (3) IF A GENETIC SURROGATE TERMINATES UNDER SECTION
14 19-4.1-814(1)(b) A GENETIC SURROGACY AGREEMENT, PARENTAGE OF THE
15 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT
16 MUST BE DETERMINED UNDER PARTS 1 TO 6 OF THIS ARTICLE 4.1.

17 (4) IF A CHILD BORN TO A GENETIC SURROGATE IS ALLEGED NOT TO
18 HAVE BEEN CONCEIVED BY ASSISTED REPRODUCTION, THE COURT SHALL
19 ORDER GENETIC TESTING TO DETERMINE THE GENETIC PARENTAGE OF THE
20 CHILD. IF THE CHILD WAS NOT CONCEIVED BY ASSISTED REPRODUCTION,
21 PARENTAGE MUST BE DETERMINED UNDER PARTS 1 TO 6 OF THIS ARTICLE
22 4.1. UNLESS THE GENETIC SURROGACY AGREEMENT PROVIDES OTHERWISE,
23 IF THE CHILD WAS NOT CONCEIVED BY ASSISTED REPRODUCTION THE
24 SURROGATE IS NOT ENTITLED TO ANY NON-EXPENSE-RELATED
25 COMPENSATION PAID FOR SERVING AS A SURROGATE.

26 (5) UNLESS A GENETIC SURROGATE EXERCISES THE RIGHT UNDER
27 SECTION 19-4.1-814 TO TERMINATE THE GENETIC SURROGACY

1 AGREEMENT, IF AN INTENDED PARENT FAILS TO FILE NOTICE REQUIRED
2 UNDER SECTION 19-4.1-814 (1), THE GENETIC SURROGATE MAY FILE WITH
3 THE COURT, NOT LATER THAN SIXTY DAYS AFTER THE BIRTH OF A CHILD
4 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT, NOTICE
5 THAT THE CHILD HAS BEEN BORN TO THE GENETIC SURROGATE. UNLESS
6 THE GENETIC SURROGATE HAS PROPERLY EXERCISED THE RIGHT UNDER
7 SECTION 19-4.1-814 TO WITHDRAW CONSENT TO THE AGREEMENT, ON
8 PROOF OF A COURT ORDER ISSUED UNDER SECTION 19-4.1-813 VALIDATING
9 THE AGREEMENT, THE COURT SHALL ORDER THAT EACH INTENDED PARENT
10 IS A PARENT OF THE CHILD.

11 **19-4.1-816. Effect of nonvalidated genetic surrogacy**
12 **agreement.** (1) A GENETIC SURROGACY AGREEMENT, WHETHER OR NOT
13 IN A RECORD, THAT IS NOT VALIDATED UNDER SECTION 19-4.1-813 IS
14 ENFORCEABLE ONLY TO THE EXTENT PROVIDED IN THIS SECTION AND
15 SECTION 19-4.1-818.

16 (2) IF ALL PARTIES AGREE, A COURT MAY VALIDATE A GENETIC
17 SURROGACY AGREEMENT AFTER ASSISTED REPRODUCTION HAS OCCURRED
18 BUT BEFORE THE BIRTH OF A CHILD CONCEIVED BY ASSISTED
19 REPRODUCTION UNDER THE AGREEMENT.

20 (3) IF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A
21 GENETIC SURROGACY AGREEMENT THAT IS NOT VALIDATED UNDER
22 SECTION 19-4.1-813 IS BORN AND THE GENETIC SURROGATE, CONSISTENT
23 WITH SECTION 19-4.1-814 (1)(b), WITHDRAWS HER CONSENT TO THE
24 AGREEMENT BEFORE SEVENTY-TWO HOURS AFTER THE BIRTH OF THE
25 CHILD, THE COURT SHALL ADJUDICATE THE PARENTAGE OF THE CHILD
26 UNDER PARTS 1 TO 6 OF THIS ARTICLE 4.1.

27 (4) IF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A

1 GENETIC SURROGACY AGREEMENT THAT IS NOT VALIDATED UNDER
2 SECTION 19-4.1-813 IS BORN AND A GENETIC SURROGATE DOES NOT
3 WITHDRAW HER CONSENT TO THE AGREEMENT, CONSISTENT WITH SECTION
4 19-4.1-814(1)(b), BEFORE SEVENTY-TWO HOURS AFTER THE BIRTH OF THE
5 CHILD, THE GENETIC SURROGATE IS NOT AUTOMATICALLY A PARENT AND
6 THE COURT SHALL ADJUDICATE PARENTAGE OF THE CHILD BASED ON THE
7 BEST INTEREST OF THE CHILD, TAKING INTO ACCOUNT THE FACTORS IN
8 SECTION 19-4.1-613 (1) AND THE INTENT OF THE PARTIES AT THE TIME OF
9 THE EXECUTION OF THE AGREEMENT.

10 (5) THE PARTIES TO A GENETIC SURROGACY AGREEMENT HAVE
11 STANDING TO MAINTAIN A PROCEEDING TO ADJUDICATE PARENTAGE UNDER
12 THIS SECTION.

13 **19-4.1-817. Genetic surrogacy agreement - parentage of**
14 **deceased intended parent.** (1) EXCEPT AS OTHERWISE PROVIDED IN
15 SECTION 19-4.1-815 OR 19-4.1-816, ON BIRTH OF A CHILD CONCEIVED BY
16 ASSISTED REPRODUCTION UNDER A GENETIC SURROGACY AGREEMENT,
17 EACH INTENDED PARENT IS, BY OPERATION OF LAW, A PARENT OF THE
18 CHILD, NOTWITHSTANDING THE DEATH OF AN INTENDED PARENT DURING
19 THE PERIOD BETWEEN THE TRANSFER OF A GAMETE OR EMBRYO AND THE
20 BIRTH OF THE CHILD.

21 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-815 OR
22 19-4.1-816, AN INTENDED PARENT IS NOT A PARENT OF A CHILD CONCEIVED
23 BY ASSISTED REPRODUCTION UNDER A GENETIC SURROGACY AGREEMENT
24 IF THE INTENDED PARENT DIES BEFORE THE TRANSFER OF A GAMETE OR
25 EMBRYO UNLESS:

26 (a) THE AGREEMENT PROVIDES OTHERWISE; AND

27 (b) THE TRANSFER OF THE GAMETE OR EMBRYO OCCURS NOT LATER

1 THAN THIRTY-SIX MONTHS AFTER THE DEATH OF THE INTENDED PARENT OR
2 BIRTH OF THE CHILD OCCURS NOT LATER THAN FORTY-FIVE MONTHS AFTER
3 THE DEATH OF THE INTENDED PARENT.

4 **19-4.1-818. Breach of genetic surrogacy agreement.**

5 (1) SUBJECT TO SECTION 19-4.1-814 (2), IF A GENETIC SURROGACY
6 AGREEMENT IS BREACHED BY A GENETIC SURROGATE OR ONE OR MORE
7 INTENDED PARENTS, THE NON-BREACHING PARTY IS ENTITLED TO THE
8 REMEDIES AVAILABLE AT LAW OR IN EQUITY.

9 (2) SPECIFIC PERFORMANCE IS NOT A REMEDY AVAILABLE FOR
10 BREACH BY A GENETIC SURROGATE OF A REQUIREMENT OF A VALIDATED OR
11 NON-VALIDATED GENETIC SURROGACY AGREEMENT THAT THE SURROGATE
12 BE IMPREGNATED, TERMINATE OR NOT TERMINATE A PREGNANCY, OR
13 SUBMIT TO MEDICAL PROCEDURES.

14 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
15 SECTION, SPECIFIC PERFORMANCE IS A REMEDY AVAILABLE FOR:

16 (a) BREACH OF A VALIDATED GENETIC SURROGACY AGREEMENT BY
17 A GENETIC SURROGATE OF A REQUIREMENT THAT PREVENTS AN INTENDED
18 PARENT FROM EXERCISING THE FULL RIGHTS OF PARENTAGE SEVENTY-TWO
19 HOURS AFTER THE BIRTH OF THE CHILD; OR

20 (b) BREACH BY AN INTENDED PARENT THAT PREVENTS THE
21 INTENDED PARENT'S ACCEPTANCE OF DUTIES OF PARENTAGE SEVENTY-TWO
22 HOURS AFTER THE BIRTH OF THE CHILD.

23 **PART 9**

24 **INFORMATION ABOUT DONOR**

25 **19-4.1-901. Definitions.** IN THIS PART 9:

26 (1) "IDENTIFYING INFORMATION" MEANS:

27 (a) THE FULL NAME OF A DONOR;

1 (b) THE DATE OF BIRTH OF THE DONOR; AND

2 (c) THE PERMANENT AND, IF DIFFERENT, CURRENT ADDRESS OF THE
3 DONOR AT THE TIME OF THE DONATION.

4 (2) "MEDICAL HISTORY" MEANS INFORMATION REGARDING ANY:

5 (a) PRESENT ILLNESS OF A DONOR;

6 (b) PAST ILLNESS OF THE DONOR; AND

7 (c) SOCIAL, GENETIC, AND FAMILY HISTORY PERTAINING TO THE
8 HEALTH OF THE DONOR.

9 **19-4.1-902. Applicability.** THIS PART 9 APPLIES ONLY TO GAMETES
10 COLLECTED ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE 4.1.

11 **19-4.1-903. Collection of information.** (1) A GAMETE BANK OR
12 FERTILITY CLINIC LICENSED IN THIS STATE SHALL COLLECT FROM A DONOR
13 THE DONOR'S IDENTIFYING INFORMATION AND MEDICAL HISTORY AT THE
14 TIME OF THE DONATION.

15 (2) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
16 THAT RECEIVES GAMETES OF A DONOR COLLECTED BY ANOTHER GAMETE
17 BANK OR FERTILITY CLINIC SHALL COLLECT THE NAME, ADDRESS,
18 TELEPHONE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE GAMETE
19 BANK OR FERTILITY CLINIC FROM WHICH IT RECEIVED THE GAMETES.

20 (3) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
21 SHALL DISCLOSE THE INFORMATION COLLECTED UNDER SUBSECTIONS (1)
22 AND (2) OF THIS SECTION AS PROVIDED UNDER SECTION 19-4.1-905.

23 **19-4.1-904. Declaration regarding identity disclosure.** (1) A
24 GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE THAT
25 COLLECTS GAMETES FROM A DONOR SHALL:

26 (a) PROVIDE THE DONOR WITH INFORMATION IN A RECORD ABOUT
27 THE DONOR'S CHOICE REGARDING IDENTITY DISCLOSURE; AND

1 (b) OBTAIN A DECLARATION FROM THE DONOR REGARDING
2 IDENTITY DISCLOSURE.

3 (2) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
4 SHALL GIVE A DONOR THE CHOICE TO SIGN A DECLARATION, ATTESTED BY
5 A NOTARIAL OFFICER OR WITNESSED, THAT EITHER:

6 (a) STATES THAT THE DONOR AGREES TO DISCLOSE THE DONOR'S
7 IDENTITY TO A CHILD CONCEIVED BY ASSISTED REPRODUCTION WITH THE
8 DONOR'S GAMETES ON REQUEST ONCE THE CHILD ATTAINS EIGHTEEN YEARS
9 OF AGE; OR

10 (b) STATES THAT THE DONOR DOES NOT AGREE PRESENTLY TO
11 DISCLOSE THE DONOR'S IDENTITY TO THE CHILD.

12 (3) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
13 SHALL PERMIT A DONOR WHO HAS SIGNED A DECLARATION UNDER
14 SUBSECTION (2)(b) OF THIS SECTION TO WITHDRAW THE DECLARATION AT
15 ANY TIME BY SIGNING A DECLARATION UNDER SUBSECTION (2)(a).

16 **19-4.1-905. Disclosure of identifying information and medical**
17 **history.** (1) ON REQUEST OF A CHILD CONCEIVED BY ASSISTED
18 REPRODUCTION WHO ATTAINS EIGHTEEN YEARS OF AGE, A GAMETE BANK
19 OR FERTILITY CLINIC LICENSED IN THIS STATE THAT COLLECTED THE
20 GAMETES USED IN THE ASSISTED REPRODUCTION SHALL MAKE A
21 GOOD-FAITH EFFORT TO PROVIDE THE CHILD WITH IDENTIFYING
22 INFORMATION OF THE DONOR WHO PROVIDED THE GAMETES, UNLESS THE
23 DONOR SIGNED AND DID NOT WITHDRAW A DECLARATION UNDER SECTION
24 19-4.1-904 (2)(b). IF THE DONOR SIGNED AND DID NOT WITHDRAW THE
25 DECLARATION, THE GAMETE BANK OR FERTILITY CLINIC SHALL MAKE A
26 GOOD-FAITH EFFORT TO NOTIFY THE DONOR, WHO MAY ELECT UNDER
27 SECTION 19-4.1-904 TO WITHDRAW THE DONOR'S DECLARATION.

1 (2) REGARDLESS WHETHER A DONOR SIGNED A DECLARATION
2 UNDER SECTION 19-4.1-904(2)(b), ON REQUEST BY A CHILD CONCEIVED BY
3 ASSISTED REPRODUCTION WHO ATTAINS EIGHTEEN YEARS OF AGE, OR, IF
4 THE CHILD IS A MINOR, BY A PARENT OR GUARDIAN OF THE CHILD, A
5 GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE THAT
6 COLLECTED THE GAMETES USED IN THE ASSISTED REPRODUCTION SHALL
7 MAKE A GOOD-FAITH EFFORT TO PROVIDE THE CHILD OR, IF THE CHILD IS
8 A MINOR, THE PARENT OR GUARDIAN OF THE CHILD, ACCESS TO
9 NONIDENTIFYING MEDICAL HISTORY OF THE DONOR.

10 (3) ON REQUEST OF A CHILD CONCEIVED BY ASSISTED
11 REPRODUCTION WHO ATTAINS EIGHTEEN YEARS OF AGE, A GAMETE BANK
12 OR FERTILITY CLINIC LICENSED IN THIS STATE THAT RECEIVED THE
13 GAMETES USED IN THE ASSISTED REPRODUCTION FROM ANOTHER GAMETE
14 BANK OR FERTILITY CLINIC SHALL DISCLOSE THE NAME, ADDRESS,
15 TELEPHONE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE GAMETE
16 BANK OR FERTILITY CLINIC FROM WHICH IT RECEIVED THE GAMETES.

17 **19-4.1-906. Record keeping.** (1) A GAMETE BANK OR FERTILITY
18 CLINIC LICENSED IN THIS STATE THAT COLLECTS GAMETES FOR USE IN
19 ASSISTED REPRODUCTION SHALL MAINTAIN IDENTIFYING INFORMATION
20 AND MEDICAL HISTORY ABOUT EACH GAMETE DONOR. THE GAMETE BANK
21 OR FERTILITY CLINIC SHALL MAINTAIN RECORDS OF GAMETE SCREENING
22 AND TESTING AND COMPLY WITH REPORTING REQUIREMENTS, IN
23 ACCORDANCE WITH FEDERAL LAW AND APPLICABLE LAW OF THIS STATE
24 OTHER THAN THIS ARTICLE 4.1.

25 (2) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
26 THAT RECEIVES GAMETES FROM ANOTHER GAMETE BANK OR FERTILITY
27 CLINIC SHALL MAINTAIN THE NAME, ADDRESS, TELEPHONE NUMBER, AND

1 ELECTRONIC MAIL ADDRESS OF THE GAMETE BANK OR FERTILITY CLINIC
2 FROM WHICH IT RECEIVED THE GAMETES.

3 PART 10

4 MISCELLANEOUS PROVISIONS

5 **19-4.1-1001. Uniformity of application and construction.** IN
6 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
7 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
8 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

9 **19-4.1-1002. Relation to federal "Electronic Signatures in**
10 **Global and National Commerce Act".** THIS ARTICLE 4.1 MODIFIES,
11 LIMITS, OR SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN
12 GLOBAL AND NATIONAL COMMERCE ACT", 15 U.S.C. 7001 ET SEQ., BUT
13 DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15
14 U.S.C. SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF
15 THE NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC.
16 7003 (b).

17 **19-4.1-1003. Transitional provision.** THIS ARTICLE 4.1 APPLIES
18 TO A PENDING PROCEEDING TO ADJUDICATE PARENTAGE COMMENCED
19 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE 4.1 FOR AN ISSUE ON WHICH
20 A JUDGMENT HAS NOT BEEN ENTERED.

21 **SECTION 2.** In Colorado Revised Statutes, **repeal** article 4 of
22 title 19.

23 **SECTION 3.** In Colorado Revised Statutes, 5-16-111, **amend**
24 (1)(b)(III) as follows:

25 **5-16-111. Legal actions by collection agencies.** (1) Any debt
26 collector or collection agency who brings any legal action on a debt
27 against any consumer shall:

1 (b) In the case of an action not described in subsection (1)(a) of
2 this section, bring the action only in the judicial district or similar legal
3 entity in which:

4 (III) The action may be brought pursuant to article 13 or 13.5 of
5 title 26, section 14-14-104, or ~~article 4~~ ARTICLE 4.1 or 6 of title 19, if the
6 action is by a private collection agency acting on behalf of a delegate
7 child support enforcement unit.

8 **SECTION 4.** In Colorado Revised Statutes, 13-1-124, **amend**
9 (1)(f) as follows:

10 **13-1-124. Jurisdiction of courts.** (1) Engaging in any act
11 enumerated in this section by any person, whether or not a resident of the
12 state of Colorado, either in person or by an agent, submits such person
13 and, if a natural person, such person's personal representative to the
14 jurisdiction of the courts of this state concerning any cause of action
15 arising from:

16 (f) The engaging of sexual intercourse in this state as to an action
17 brought under ~~article 4~~ ARTICLE 4.1 or article 6 of title 19, ~~C.R.S.~~, with
18 respect to a child who may have been conceived by that act of
19 intercourse, as set forth in verified petition; or

20 **SECTION 5.** In Colorado Revised Statutes, 13-25-126, **amend**
21 (2) as follows:

22 **13-25-126. Genetic tests to determine parentage.** (2) Any
23 objection to genetic testing results ~~shall~~ MUST be made in writing not less
24 than fifteen days before the first scheduled hearing at which the results
25 may be introduced into evidence or fifteen days after motion for summary
26 judgment is served on such person; except that a person shall object to the
27 genetic testing results not less than twenty-four hours prior to the first

1 scheduled hearing if such person did not receive the results fifteen or
2 more days before such hearing. The test results ~~shall be~~ ARE admissible
3 as evidence of paternity in an action filed pursuant to article 10 of title
4 14, ~~C.R.S., article 4~~ ARTICLE 4.1 of title 19, ~~C.R.S.~~, or article 13.5 of title
5 26, ~~C.R.S.~~, without the need for foundation testimony or other proof of
6 authenticity or accuracy.

7 **SECTION 6.** In Colorado Revised Statutes, 13-92-102, **amend**
8 the introductory portion and (4) as follows:

9 **13-92-102. Definitions.** As used in this ~~article~~ ARTICLE 92, unless
10 the context otherwise requires:

11 (4) "Parent" means a natural parent of a child, as may be
12 established pursuant to ~~article 4~~ ARTICLE 4.1 of title 19, ~~C.R.S.~~, a parent
13 by adoption, or a legal guardian.

14 **SECTION 7.** In Colorado Revised Statutes, 14-14-111.5, **amend**
15 (14) as follows:

16 **14-14-111.5. Income assignments for child support or**
17 **maintenance.** (14) This section applies to any action brought ~~under~~
18 PURSUANT TO this ~~article~~ ARTICLE 14 or article 5, 6, or 10 of this title, ~~or~~
19 ~~under article 4~~ TITLE 14, PURSUANT TO ARTICLE 4.1 or 6 of title 19, ~~C.R.S.~~,
20 or ~~under~~ PURSUANT TO article 13.5 of title 26. ~~C.R.S.~~

21 **SECTION 8.** In Colorado Revised Statutes, 14-14-113, **amend**
22 (1)(b) as follows:

23 **14-14-113. Recordation of social security numbers in certain**
24 **family matters.** (1) (b) The judicial department shall maintain records
25 of the parties' and children's social security numbers in family matters
26 filed ~~under~~ PURSUANT TO articles 10 and 14 of this title, ~~articles 4~~ TITLE
27 14, ARTICLES 4.1 and 6 of title 19, ~~C.R.S.~~, and article 13.5 of title 26.

1 ~~C.R.S.~~ Nothing in this ~~paragraph (b) shall require~~ SUBSECTION (1)(b)
2 REQUIRES that a person's social security number appear on the face of the
3 court order.

4 **SECTION 9.** In Colorado Revised Statutes, 19-1-103, **amend**
5 (15) and (82)(a); and **repeal** (44.5) and (91.5) as follows:

6 **19-1-103. Definitions.** As used in this title 19 or in the specified
7 portion of this title 19, unless the context otherwise requires:

8 (15) "Birth parents", as used in part 4 of article 5 of this ~~title~~ TITLE
9 19, means genetic, biological, or natural parents whose rights were
10 voluntarily or involuntarily terminated by a court or otherwise. "Birth
11 parents" includes a man who is the parent of a child as established in
12 accordance with the provisions of the ~~"Uniform Parentage Act", article~~
13 ~~4 of this title~~ "UNIFORM PARENTAGE ACT (2017)", ARTICLE 4.1 OF THIS
14 TITLE 19, prior to the termination of parental rights.

15 (44.5) ~~"Donor", as used in section 19-4-106, means an individual~~
16 ~~who produces eggs or sperm used for assisted reproduction, whether or~~
17 ~~not for consideration. "Donor" does not include a husband who provides~~
18 ~~sperm, or a wife who provides eggs, to be used for assisted reproduction~~
19 ~~by the wife.~~

20 (82) (a) "Parent" means either a natural parent of a child, as may
21 be established pursuant to ~~article 4~~ ARTICLE 4.1 of this ~~title~~ TITLE 19, or
22 a parent by adoption.

23 (91.5) ~~"Record", as used in section 19-4-106, means information~~
24 ~~that is inscribed on a tangible medium or that is stored in an electronic or~~
25 ~~other medium and is retrievable in perceivable form.~~

26 **SECTION 10.** In Colorado Revised Statutes, 19-1-108, **amend**
27 (3)(a.5) as follows:

1 **19-1-108. Magistrates - qualifications - duties.**

2 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
3 the hearing of cases by the court. During the initial advisement of the
4 rights of any party, the magistrate shall inform the party that, except as
5 provided in this subsection (3), he or she has the right to a hearing before
6 the judge in the first instance and that he or she may waive that right but
7 that, by waiving that right, he or she is bound by the findings and
8 recommendations of the magistrate, subject to a request for review as
9 provided in subsection (5.5) of this section. The right to require a hearing
10 before a judge does not apply to hearings at which a child is advised of
11 his or her rights pursuant to section 19-2-706; detention hearings held
12 pursuant to sections 19-2-507, 19-2-507.5, and 19-2-508; preliminary
13 hearings held pursuant to section 19-2-705; temporary custody hearings
14 held pursuant to section 19-3-403; proceedings held pursuant to ~~article 4~~
15 ARTICLE 4.1 of this title 19; and support proceedings held pursuant to
16 article 6 of this title 19. In proceedings held pursuant to ~~article 4~~ ARTICLE
17 4.1 or 6 of this title 19, contested final orders regarding allocation of
18 parental responsibilities may be heard by the magistrate only with the
19 consent of all parties.

20 **SECTION 11.** In Colorado Revised Statutes, **amend** 19-1-308 as
21 follows:

22 **19-1-308. Parentage information.** Notwithstanding any other law
23 concerning public hearings and records, any hearing or trial held pursuant
24 to ~~article 4~~ ARTICLE 4.1 of this title 19 must be held in closed court
25 without admittance of any person other than those necessary to the action
26 or proceeding. In addition to access otherwise provided for pursuant to
27 section 19-1-303, all papers and records pertaining to the action or

1 proceeding that are part of the permanent record of the court are subject
2 to inspection by the parties to the action and their attorneys of record, and
3 such parties and their attorneys are subject to a court order that must be
4 in effect against all parties to the action prohibiting the parties from
5 disclosing the genetic testing information contained in the court's record.
6 Such court papers and records are not subject to inspection by any person
7 not a party to the action except the state child support enforcement
8 agency or delegate child support enforcement units for the purposes set
9 forth in section 19-1-303 (4.4) or upon consent of the court and all parties
10 to the action, or, in exceptional cases only, upon an order of the court for
11 good cause shown. All papers and records in the custody of the county
12 department of human or social services must be available for inspection
13 by the parties to the action only upon the consent of all parties to the
14 action and as provided by section 26-1-114, or by the rules governing
15 discovery, but the papers and records must not be subject to inspection by
16 any person not a party to the action except upon consent of all parties to
17 the action; except that the results of genetic testing may be provided to all
18 parties, when available, notwithstanding laws governing confidentiality
19 and without the necessity of formal discovery. Any person receiving or
20 inspecting paternity information in the custody of the county department
21 of human or social services is subject to a court order that must be in
22 effect prohibiting such persons from disclosing the genetic testing
23 information contained in the department's record.

24 **SECTION 12.** In Colorado Revised Statutes, 19-5-103.7, **amend**
25 (1), (4)(a) introductory portion, (4)(a)(V)(B), (4)(b)(III), (5)(b), and (7)(d)
26 as follows:

27 **19-5-103.7. Anticipated expedited relinquishment - children**

1 **under one year of age - notice to other or possible parent -**
 2 **administrative procedures.** (1) Notwithstanding any provision of
 3 section 19-5-103 to the contrary, a licensed child placement agency
 4 assisting a parent who plans to relinquish a child through an expedited
 5 relinquishment pursuant to section 19-5-103.5, may provide notice of the
 6 anticipated expedited relinquishment on behalf of the relinquishing parent
 7 to any other birth parent or possible birth parent identified pursuant to
 8 section 19-5-105 (2) who is not a presumed parent pursuant to ~~section~~
 9 ~~19-4-105 (1)~~ SECTION 19-4.1-204.

10 (4) (a) Notice of the anticipated expedited relinquishment given
 11 pursuant to this section ~~shall~~ MUST include the name, mailing address, and
 12 physical address of the licensed child placement agency providing the
 13 notice and ~~shall~~ MUST inform the other birth parent or possible birth
 14 parent of the following:

15 (V) That failure to declare an intent to contest the termination of
 16 parental rights may likely result in a termination of the person's parental
 17 rights to the child, and that, to declare an intent to contest the termination
 18 of the parent-child legal relationship, the other birth parent or possible
 19 birth parent shall:

20 (B) No later than twenty-one days after the date of notice pursuant
 21 to ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this section or
 22 before a relinquishment petition is filed with the court, whichever occurs
 23 later, file a claim of paternity pursuant to ~~article 4~~ ARTICLE 4.1 of this title
 24 TITLE 19. and ~~notify the licensed child placement agency pursuant to~~
 25 ~~section 19-4-105.5 (4).~~ <{**Section 19-4-105.5 is repealed in this act.**
 26 **Subsection (4) references a petition filed by an alleged or possible**
 27 **father pursuant to 19-5-103.7 requiring notice to the licensed child**

1 placement agency in the same manner as a party. Section 19-5-103.7
2 is expedited relinquishment of children under 1 year of age. This
3 doesn't seem to be covered in the new section 19-4.1-603 (Notice of
4 Proceeding) on pg. 30 of the bill or new section 19-4.1-607 or 608 on
5 pages 30 or 32 of the bill. I believe it's Colorado specific? Do you want
6 to include this notice in one of the UPA (2017) sections?

7 (b) (III) In addition to the requirements of ~~subparagraphs (I) and~~
8 ~~(II) of this paragraph (b)~~ SUBSECTIONS (4)(b)(I) AND (4)(b)(II) OF THIS
9 SECTION, the reply form sent or delivered pursuant to this ~~paragraph (b),~~
10 SUBSECTION (4)(b), or otherwise available at the licensed child placement
11 agency pursuant to ~~paragraph (b) of subsection (7)~~ SUBSECTION (7)(b) of
12 this section, ~~shall~~ MUST include a statement of acknowledgment by the
13 other birth parent or possible birth parent that there is a requirement to
14 file a claim of paternity. ~~and to notify the licensed child placement~~
15 ~~agency pursuant to section 19-4-105.5 (4) no later than twenty days after~~
16 ~~the date of notice or before a relinquishment petition is filed with the~~
17 ~~court, whichever occurs later. <{~~Same issue as above with respect to
18 section 19-4-105.5 (4) notice to the licensed child placement agency.~~>~~

19 (5) To properly reply and declare an intent to contest the
20 termination of the parent-child legal relationship pursuant to this section,
21 the other birth parent or possible birth parent shall, no later than twenty
22 days after receiving notice pursuant to subsection (3) of this section or
23 before a relinquishment petition is filed with the court, whichever occurs
24 later:

25 (b) File a claim of paternity pursuant to ~~article 4~~ ARTICLE 4.1 of
26 this ~~title~~ TITLE 19. ~~and notify the licensed child placement agency~~
27 ~~pursuant to section 19-4-105.5 (4).~~ <{Same issue as above with respect

1 to section 19-4-105.5 (4) notice to the licensed child placement
2 agency.>

3 (7) (d) Notwithstanding any provision of this section to the
4 contrary, if the other birth parent or possible birth parent files a claim of
5 paternity pursuant to ~~article 4~~ ARTICLE 4.1 of this ~~title~~ TITLE 19, and
6 provides notice to the licensed child placement agency pursuant to section
7 ~~19-4-105.5~~; <{Same issue as above with respect to section 19-4-105.5
8 (4) notice to the licensed child placement agency.> then such claim and
9 notice ~~shall be~~ IS deemed to satisfy the requirements of subsection (5) of
10 this section, so long as the claim of paternity is filed and notice is
11 provided to the licensed child placement agency <{Same issue as above
12 with respect to section 19-4-105.5 (4) notice to the licensed child
13 placement agency.> no later than twenty-one days after receiving notice
14 pursuant to subsection (3) of this section or before a relinquishment
15 petition is filed with the court.

16 **SECTION 13.** In Colorado Revised Statutes, 19-5-103.5, **amend**
17 (2)(b) as follows:

18 **19-5-103.5. Expedited relinquishment procedure - children**
19 **under one year of age - other birth parents - notice - termination.**

20 (2) (b) Notice of the proceeding pursuant to this section ~~shall~~ MUST be
21 given to every person identified as the other birth parent or a possible
22 birth parent in the manner appropriate under the Colorado rules of
23 juvenile procedure for the service of process or in any manner the court
24 directs; except that notice ~~shall not be~~ IS NOT required to be given to a
25 person who has received notice pursuant to section 19-5-103.7 if the
26 person waives the right to contest a termination of parental rights and
27 waives the right to further notice concerning the expedited relinquishment

1 or if the person fails to reply as required pursuant to section 19-5-103.7.
2 The notice ~~shall~~ MUST inform the parent or alleged parent whose rights
3 are to be determined that failure to file an answer or to appear within
4 twenty-one days after service and, in the case of an alleged father, failure
5 to file a claim of paternity ~~under article 4~~ PURSUANT TO ARTICLE 4.1 of
6 this ~~title~~ TITLE 19 within twenty-one days after service, if a claim has not
7 previously been filed, may likely result in termination of the parent's or
8 the alleged parent's parental rights to the child. The notice ~~shall~~ MUST also
9 inform the parent or alleged parent whose rights are to be determined that
10 the person has the right to waive his or her right to appear and contest and
11 that failure to appear and contest may likely result in termination of the
12 parent's or the alleged parent's parental rights to the child. Proof of giving
13 the notice ~~shall~~ MUST be filed with the court before the petition is heard
14 or otherwise acted upon. If no person has been identified as the birth
15 parent, the court shall order that notice be provided to all possible birth
16 parents by publication or public posting of the notice at times and in the
17 places and manner the court deems appropriate.

18 **SECTION 14.** In Colorado Revised Statutes, 19-5-105, **amend**
19 (1), (3) introductory portion, (3.1)(c)(I), and (5) as follows:

20 **19-5-105. Proceeding to terminate parent-child legal**
21 **relationship.** (1) If one parent relinquishes or proposes to relinquish or
22 consents to the adoption of a child, the agency or person having custody
23 of the child shall file a petition in the juvenile court to terminate the
24 parent-child legal relationship of the other parent, unless the other
25 parent's relationship to the child has been previously terminated or
26 determined by a court not to exist. This section applies whether or not the
27 other parent is a presumed parent pursuant to ~~section 19-4-105 (1)~~

1 SECTION 19-4.1-204.

2 (3) If, after the inquiry, the other birth parent is identified to the
3 satisfaction of the court or if more than one person is identified as a
4 possible parent, each shall be given notice of the proceeding in
5 accordance with subsection (5) of this section, including notice of the
6 person's right to waive his or her right to appear and contest. If any of
7 them waives his or her right to appear and contest or fails to appear or, if
8 appearing, cannot personally assume legal and physical custody, taking
9 into account the child's age, needs, and individual circumstances, such
10 person's parent-child legal relationship with reference to the child ~~shall~~
11 ~~be~~ IS terminated. If the other birth parent or a person representing himself
12 or herself to be the other birth parent appears and demonstrates the desire
13 and ability to personally assume legal and physical custody of the child,
14 taking into account the child's age, needs, and individual circumstances,
15 the court shall proceed to determine parentage ~~under article 4~~ PURSUANT
16 TO ARTICLE 4.1 of this ~~title~~ TITLE 19. If the court determines that the
17 person is the other birth parent, the court shall set a hearing, as
18 expeditiously as possible, to determine whether the interests of the child
19 or of the community require that the other parent's rights be terminated
20 or, if they are not terminated, to determine whether:

21 (3.1) The court may order the termination of the other birth
22 parent's parental rights upon a finding that termination is in the best
23 interests of the child and that there is clear and convincing evidence of
24 one or more of the following:

25 (c) That the parent has not promptly taken substantial parental
26 responsibility for the child. In making this determination the court shall
27 consider, but shall not be limited to, the following:

1 (I) Whether the parent who is the subject of the petition is served
2 with notice and fails to file an answer within thirty-five days after service
3 of the notice and petition to terminate the parent-child legal relationship,
4 or within twenty-one days if the petition for termination was filed
5 pursuant to section 19-5-103.5, or fails to file a paternity action, pursuant
6 to ~~article 4~~ ARTICLE 4.1 of this ~~title~~ TITLE 19, within thirty-five days after
7 the birth of the child or within thirty-five days after receiving notice that
8 he is the father or likely father of the child, or, for those petitions filed
9 pursuant to section 19-5-103.5, within twenty-one days after the birth of
10 the child or after receiving notice that he is the father or likely father of
11 the child;

12 (5) Notice of the proceeding ~~shall~~ MUST be given to every person
13 identified as the other birth parent or a possible birth parent in the manner
14 appropriate under the Colorado rules of juvenile procedure for the service
15 of process or in any manner the court directs. The notice ~~shall~~ MUST
16 inform the parent or alleged parent whose rights are to be determined that
17 failure to file an answer or to appear within thirty-five days after service
18 and, in the case of an alleged father, failure to file a claim of paternity
19 ~~under article 4~~ PURSUANT TO ARTICLE 4.1 of this ~~title~~ TITLE 19 within
20 thirty-five days after service, if a claim has not previously been filed, may
21 likely result in termination of the parent's or the alleged parent's parental
22 rights to the minor. The notice also ~~shall~~ MUST inform the parent or
23 alleged parent whose rights are to be determined that such person has the
24 right to waive his or her right to appear and contest and that failure to
25 appear and contest may likely result in termination of the parent's or the
26 alleged parent's parental rights to the minor. Proof of giving the notice
27 ~~shall~~ MUST be filed with the court before the petition is heard. If no

1 person has been identified as the birth parent, the court shall order that
2 notice be provided to all possible parents by publication or public posting
3 of the notice at times and in places and manner the court deems
4 appropriate.

5 **SECTION 15.** In Colorado Revised Statutes, 19-6-101.5, **amend**
6 (1) and (5) as follows:

7 **19-6-101.5. Amendments of proceedings - adding children.**

8 (1) In any existing case commenced ~~under~~ PURSUANT TO this ~~article~~
9 ARTICLE 19, if it is alleged that another child has been conceived of the
10 parents named in the existing case, that child ~~shall~~ MUST be added to the
11 existing case if at least one of the presumptions of ~~paternity~~ PARENTAGE
12 specified in ~~section 19-4-105~~ SECTION 19-4.1-204 applies for the purpose
13 of establishing paternity and child support. The caption shall be amended
14 to include the added child.

15 (5) Notwithstanding ~~the provisions of~~ subsection (1) of this
16 section, in any case where there exists more than one alleged or presumed
17 ~~father~~ PARENT for a child pursuant to ~~section 19-4-105~~ SECTION
18 19-4.1-204, a new case ~~shall~~ MUST be commenced for that child to
19 determine the child's ~~paternity~~ PARENTAGE, establish child support, and
20 address any other related issues. If it is determined that the child is the
21 child of parents named in an existing case, the cases ~~shall~~ MUST be
22 consolidated into the initial action pursuant to rule 42 of the Colorado
23 rules of civil procedure.

24 **SECTION 16.** In Colorado Revised Statutes, 19-6-104, **amend**
25 (1) as follows:

26 **19-6-104. Hearing - orders.** (1) If the court or delegate child
27 support enforcement unit finds that the respondent has an obligation to

1 support the child or children mentioned in the petition or notice, the court
2 or delegate child support enforcement unit may enter an order directing
3 the respondent to pay such sums for support as may be reasonable under
4 the circumstances. ~~taking into consideration the factors found in section~~
5 ~~19-4-116 (6).~~ <{*The new UPA doesn't appear to have a provision*
6 *similar to section 19-4-116(6) which sets forth factors for the court to*
7 *consider in determining child support in addition to the Colorado child*
8 *support guidelines.*> The court or delegate child support enforcement
9 unit may also enter an order directing the appropriate party to pay for
10 support of the child, in an amount as may be determined by the court or
11 delegate child support enforcement unit to be reasonable under the
12 circumstances, for a time period which occurred prior to the entry of the
13 support order established ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 19.

14 **SECTION 17.** In Colorado Revised Statutes, 24-34-805, **amend**
15 (2)(d) introductory portion as follows:

16 **24-34-805. Family preservation safeguards for families that**
17 **include a parent with a disability - protections - legislative declaration**
18 **- definitions.** (2) Achieving the goal of family preservation for a parent
19 or prospective parent with a disability includes the following
20 requirements:

21 (d) In a case brought pursuant to title 14, a minor guardianship
22 proceeding pursuant to title 15, or ~~article 4~~ ARTICLE 4.1 of title 19:

23 **SECTION 18.** In Colorado Revised Statutes, **amend** 25-1-122.5
24 as follows:

25 **25-1-122.5. Confidentiality of genetic testing records -**
26 **"Uniform Parentage Act (2017)".** Notwithstanding any other law
27 concerning public records, any records or information concerning the

1 genetic testing of a person for purposes of the determination of parentage
2 pursuant to ~~article 4~~ ARTICLE 4.1 of title 19 ~~C.R.S., shall be~~ ARE
3 confidential and shall not be disclosed except as otherwise provided in
4 section 19-1-308. ~~C.R.S.~~

5 **SECTION 19.** In Colorado Revised Statutes, 25-2-113.5, **amend**
6 (2)(e) as follows:

7 **25-2-113.5. Limited access to information upon consent of all**
8 **parties - voluntary adoption registry.** (2) As used in this section, unless
9 the context otherwise requires:

10 (e) "Qualified birth parent" means a genetic, biological, or natural
11 parent whose rights were voluntarily or involuntarily terminated by a
12 court or otherwise and who meets the requirements of this section. "Birth
13 parent" includes a man who is the parent of a child as established in
14 accordance with ~~the provisions of the "Uniform Parentage Act", article~~
15 ~~4~~ "UNIFORM PARENTAGE ACT (2017)", ARTICLE 4.1 of title 19, ~~C.R.S.,~~
16 prior to the termination of parental rights and who meets the requirements
17 of this section.

18 **SECTION 20. Act subject to petition - effective date.** This act
19 takes effect January 1, 2022; except that, if a referendum petition is filed
20 pursuant to section 1 (3) of article V of the state constitution against this
21 act or an item, section, or part of this act within the ninety-day period
22 after final adjournment of the general assembly, then the act, item,
23 section, or part will not take effect unless approved by the people at the
24 general election to be held in November 2022 and, in such case, will take
25 effect on the date of the official declaration of the vote thereon by the
26 governor. <{*The act would not take effect until January 1, 2022--unless*
27 *a referendum petition is filed--in which case it would be later.*>